Assessing the added value of Social Europe under the European Pillar of Social Rights

A study of hard law implementation in four EU countries

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Executive summary

This study assesses the impact of the European Pillar of Social Rights (EPSR), looking at the national implementation of three EU directives: the Work-Life Balance Directive (WLBD), the Transparent and Predictable Working Conditions Directive (TPWCD) and the Adequate Minimum Wages Directive (AMWD).

Using a Europeanisation framework, the study analyses the degree of "misfit" between EU directives and pre-existing national laws in Belgium, Ireland, Italy, and Poland, each representing a distinct welfare state model. The research proceeds in two steps: (i) assessing the legal and policy distance (misfit) between EU requirements and domestic frameworks, and (ii) examining how domestic political and institutional actors mediated the implementation process, including resistance, compliance or adaptation.

The findings show that the EPSR has a modest added value in shaping national social rights. Overall, there is typically a low level of misfit, and national laws only have to be altered slightly to comply with EU legislation. Where a greater mismatch did exist, resistance often weakened implementation. In fact, this study reveals that successful and ambitious implementation depends on the political will of national governments, the existence of highly institutionalised procedures of concertation and the power and ability of labour unions to mobilise. The bargaining power of unions and the role of political parties representing workers' interests are key to explain the dynamics of policy change, regardless of the institutional model of the welfare state. Country case studies show that the most transformative change occurs when unions are strong, governments are supportive and administrative capacity is robust. Finally, this study shows that patterns of political conflict at the national level largely mirrored those at the EU level during negotiation of the directives, reflecting enduring ideological divisions over the EU's role in social policy. The study concludes that EU law is filtered by domestic political factors and administrative capacities, and often it remains ineffective on the ground if not properly enforced. To address this, we outline several complementary routes:

- **Systematic monitoring** to ensure that situations where rights are ineffective are known and reported;
- **Institutional follow up by the European Economic and Social Committee (EESC)** should include the preparation of a yearly Report on the Effectiveness of Social Rights;
- **Political debate** to foster dialogue on balancing national diversity with the principle of equality among all Europeans;
- **Strategic litigation** by trade unions and social stakeholders as a tool to contest uncompliant transposition and weak implementation of EU law;
- **Stronger multi-level administration** to guarantee the effectiveness of social rights.

Introduction

Since its proclamation in 2017, the European Pillar of Social Rights (EPSR) has been at the centre of an important renewal in social policymaking and scholarship alike. While many, including civil society actors, were sceptical that it would aim for results beyond declaratory intentions (e.g. Garben 2018), it has indeed brought about a significant relaunch of the EU's social policy agenda, in at least two respects. First, proclamation of the EPSR set a new political dynamic in motion, with Jean-Claude Juncker's pledge to endow the EU with a "social triple A"[1]. After years of focus on fiscal discipline and structural reforms, this has meant a renewed awareness of the importance of social cohesion. The EU's commitment was emphasised by the following European Commission (EC) under President Ursula von der Leyen. An action plan was adopted in 2021 with the aim of translating broad objectives into more specific actions and policy instruments. This, however, was despite visible resistance from many Member States (MS)[2]. Second, the EPSR has set the EC back on the track of hard law initiatives addressing "old" as well as "new" social issues relating to pay and working conditions. In addition, where hard law was politically precluded, soft law initiatives have been added to the existing arsenal. Some examples of this are the setting-up of a child guarantee in 2021, a Recommendation on Access to social protection for workers and the self-employed, as well as a Recommendation on adequate minimum income in 2023.

This important series of initiatives was welcomed by scholars as a "revival of Social Europe" (cf. Vanhercke et al. 2020; Keune and Pochet 2023) and labelled the EU's "roaring twenties" (Kilpatrick 2023) of social policy. It has been argued (Ferrera et al. 2023) that the provisions adopted amounted to a genuine substantiation of European social citizenship, in two directions. First, the EU has progressively become a key player in guaranteeing social rights, reducing the nation-state's exclusive role, given its legal supremacy over domestic law. Second, the EPSR has created "new power resources" which can be used by individuals to reap the practical benefits of European social citizenship. It is important to note, however, that this line of work has so far essentially dealt with the policymaking process, i.e. the adoption of new EU provisions. The few studies on implementation conducted so far, however, suggest that the implementation process can have a distortive effect, depending on political motives and institutional factors in different EU countries, leading to highly diverging effects (de la Porte et al. 2023).

1. Jean-Claude Juncker's reference to a "social triple A" indicated his ambition for the EU to match its economic and financial strength with equally robust social standards. The term emphasised the need for high-quality employment, fair working conditions and strong social protection systems across Member States, aiming to give the EU a top rating not just economically, but also socially (cf. Five Presidents' report).
2. At the Porto Summit, a group of nine Member States issued a "non-paper" claiming that they were supportive of a Social Europe based essentially on hard law (cf. Belgian-Spanish Non Paper ahead of the Porto Social Summit).

The aim of this study is to provide new empirical evidence concerning the implementation of the EPSR, and thereby to tap into the debate about the recent "revival" of Social Europe. It tackles the following questions: Do the recent hard law provisions (directives) adopted under the EPSR have significant added value on the ground? Does the EPSR actually create new rights, or serve to strengthen existing rights in a way that makes a qualitative difference with regard to previous arrangements? Adopting a Europeanisation framework, we focus on the three recent directives which have reached the implementation stage, namely Directive 2019/1158 on work-life balance for parents and carers (hereafter the Work-Life Balance Directive, WLBD), Directive 2019/1152 on Transparent and Predictable Working Conditions (hereafter the TPWCD), and Directive 2022/2041 on adequate minimum wages in the European Union (hereafter the AMWD). To capture how EU provisions interact with the diverse European welfare state models, we investigate the implementation process in four EU countries with contrasting welfare state models: Belgium, Ireland, Italy, and Poland. Our analysis proceeds in two steps. First, we identify the degree of (mis)fit between the provisions stemming from the EU directives and the pre-existing national law. The purpose is to understand the actual pressure for policy change and to what extent the implementation of EU law led to the creation of new rights or the consolidation of existing rights. Second, we investigate how domestic actors mediated the implementation process to resolve possible technical and/or political difficulties. We identify possible disagreements or conflicts and how resolving these served (or not) to consolidate social rights. In tune with our initial hypothesis, we find that, regardless of the institutional diversity implied by different welfare models, the EPSR had little added value to moderate, due to a low level of ambition (low misfit) and political resistance along the way, especially from employers and government parties which are barely supportive of enhancing social rights. Unsurprisingly, the structural power of the unions to influence decision-making is a key predictor for a maximalist (as opposed to minimalist or uncompliant) implementation of social rights included in EU directives.

The study is structured as follows. Section 1 presents a summary of the state of the art, our analytical approach through the lens of Europeanisation, and the legislation and countries selected. Sections 2, 3, and 4 focus respectively on the WLBD, TPWCD and AMWD. Section 5 draws conclusions based on comparative insights, discusses findings, and makes tentative recommendations to enhance the impact of EU labour law under the EPSR.

1. Analytical framework

1.1 The Europeanisation of social policy under the EPSR

After initial scepticism (Garben 2018; Polomarkakis 2020), the EPSR has been mainly depicted in scholarship as a success story, prompting a historic renewal of the EU social policy agenda. After a period of stagnation and reliance mainly on soft law in the 2000s and 2010s, the EPSR has given an impulse to the EC to reconnect with hard law and substantial new legislative initiatives in the social policy domain. In addition, the EU has introduced new financing tools – SURE, the RRF, the Just Transition Fund – geared toward supporting social policy (cf. Bekker 2022). Notably, scholars have shown that these funds are not merely complementary but are specifically designed to advance social policy objectives (cf. Corti and Vesan 2023; Bokhorst and Corti 2024).

Such claims nevertheless deserve further empirical examination. While the vast majority of contributions so far have dealt with the decision-making stage and the adoption of provisions at EU level, we turn here to the implementation and the actual impact of EU policies and law on national provisions. Does legislative activism in the EU arena translate into more rights for Europeans on the ground? Beyond a classic issue known as the implementation gap, the impact of EU law, even when applied in a way that is compliant with EU provisions, can be undermined by at least two factors. The first is that directives typically leave ample room for manoeuvre for national administrations to choose the means to achieve the goals set at EU level, to allow for adaptation to national specificities. The second reason for limited impact of EU law is that, given the contrasting systems and situations across EU countries, change will normally be differentiated, significant for some and almost non-existent for others, a phenomenon recently depicted as "customisation" (cf. Zhelyazkova and Thomann 2022; Zhelyazkova et al. 2024).

From the late 1990s onwards, Europeanisation studies have provided an important set of analytical tools to examine this differentiated process of transformation, adaptation or, indeed, inertia resulting from the implementation of EU policies and law (Börzel and Risse 2000; Schmidt 2002). The notions of "fit" and "misfit" have been paramount as a starting point to analyse the relative gap between national legislation and the EU provisions to be implemented. The literature remains ambiguous, however, as to the relationship between misfit and change. On the one hand, it was argued that a greater misfit implies greater adaptational pressure and therefore more change. On the other hand, a greater misfit can also mean more obstacles to change.

From the outset, though, the impact of the EU on national policies has never been depicted as a mechanistic process. Instead, the agency of national policymakers and bureaucrats has been key in theorising change. Whether motivated by material interests or political ideas, national agents and institutions can form veto points, blocking, delaying, or weakening implementation (Börzel and Risse 2000). Compliance studies, for instance, have pointed to two key explanatory

factors (Falkner and Treib 2008; Börzel 2022). Political resistance and the salience of particular issues in domestic politics are indeed important explanations for non-compliance in a number of EU countries, especially in continental Europe. Administrative weakness or neglect of EU implementation duties was equally important to explain why some countries, particularly in the Southern or Eastern parts of the continent, were non-compliant in the social domain. A more sociological string of Europeanisation developed, arguing that the impact of EU policies could not be understood without examining the "usages" of EU norms and instruments by domestic actors driven by cognitive, material or legitimation motives (Jacquot and Woll 2004). In a similar vein, actor-centred institutionalist perspectives (Zeitlin 2009) emphasise how domestic actors mediate the pressure arising from a misfit between national policies and EU requirements.

The emerging literature on the implementation of the EPSR suggests that its impact is limited. Many contributions show that its practical impact varies across Member States depending on their commitment and political context (cf. de la Porte et al. 2023; Pircher et al. 2024; Zhelyazkova and Thomann 2022). De la Porte et al. (2023) illustrate how variations in implementation of the WLBD stem from differences in political intentions among MS, i.e. whether key political actors actively endorse the initiative and put in place enforcement and awareness-raising measures. Similarly, Pircher et al. (2024) identify two key factors shaping national responses: economic considerations, including the financial and administrative costs of compliance, and ideological factors, which influence how EU provisions are interpreted and implemented. These factors, whether used to justify resistance or drive reforms, contribute to differentiated policy adoption across countries. Moreover, Zhelyazkova and Thomann (2022) add that EU policies are often "customised" during implementation, leading to significant divergence from the initial legislative intentions. They further argue that legal compliance alone does not fully account for the practical implementation, which depends on how rules are enforced and applied by administrative actors in practice – moving beyond commitments "on paper" to their realisation "in action".

From a different perspective, there are grounds to believe that the ambition and impact of EU social policy are constrained by its persisting contentiousness. Beyond disagreements over redistributive issues, a number of national leaders deny the EU the legitimacy to intervene through legally binding means in the area of social policy[3]. An important line of research has focused on the "politicisation" of Social Europe (Corti 2022), that is, how social policy initiatives have sparked political contention thus making the adoption of any piece of EU legislation the outcome of a hard-fought compromise in Brussels. Politicisation and the mobilisation of concerned social groups and interest groups, especially trade unions, professional groups and

3. This was, for instance, obvious when, at the Porto Summit on the EPSR in April 2021, a group of 11 countries, including Austria, Bulgaria, Denmark, Estonia, Finland, Ireland, Latvia, Lithuania, Malta, the Netherlands and Sweden, issued a non-paper to express their reluctance toward a far-reaching EU agenda involving hard law initiatives (Politico 2021).

civil society organisations, are key to the success of initiatives geared toward market correction or the introduction of new, EU-wide social rights (Parks 2015; Crespy 2016). Even then, the logic of compromise or "watering down" driving lawmaking at EU level means that EU provisions often amount to gradual change rather than big leaps forward. When contentious, the definition of key legal provisions is often left to national authorities, as in the case of the recent Directive on platform work (Crespy et al. 2025).

Our approach to the implementation of EU labour law under the EPSR builds on the "goodness of fit" approach to Europeanisation. More specifically, we follow Graziano (2011), who posits that policy change induced by the implementation of EU law will be greater if there is consensus among domestic actors, whereas conflict will impede implementation, meaning a lower degree of change. In sum, the pressure coming from the EU is highly filtered by domestic politics and institutions. To investigate whether that hypothesis holds with the EPSR, we proceed in two steps. First, we draw on the original Europeanisation model, measuring the adaptational pressure and degree of fit or misfit. To do so, we identify the gap between pre-existing law and the provisions in the EU directives. We look at whether and how transposition was impeded by institutional factors, technical issues arising from policy legacies, and institutional specificities linked to every welfare state model. Here, our broad expectation is that the misfit will be generally low, indicating a modest level of ambition and probable change. Second, we investigate the politics of implementation and identify the patterns of conflicts. We seek to detect which political parties and social actors (i.e. the social partners) acted as facilitators or points of resistance against the change induced by EU law. Assuming actors' preference for inertia, we expect that the greater the misfit, the stronger the resistance. We expect to see minimal implementation (possibly borderline compliant) when employers and conservative and/or liberal parties unsupportive of the directives' objectives sought to minimise their impact. Third, we seek to find out whether national conflict lines during implementation overlap or not with those which have emerged at EU level during the adoption process. We expect the conflict lines to be broadly the same at the national and EU levels, reflecting the expected costs of regulatory improvements and diverging preferences between capital and labour.

Our analysis is based on a study of the implementation process for the three directives included in the four selected countries. For each of the 12 cases, a wealth of documentary material was collected online. This includes national law and regulations, parliamentary minutes, position papers, press releases and communications from trade unions and employer associations, many reports from various institutions or research institutes on the subject matters in question, statistics, and press articles. Moreover, we conducted a short series of nine interviews with civil servants, representatives of the social partners, and experts, to gain insights into interactions which are not always detectable in documents, notably conflicts, motives for resistance or a lack of political willingness. Overall, we expect domestic politics to play a more important role than

the institutional features of various welfare state models in explaining the level of change allowed through implementation.

1.2 Case selection – directives

1.2.1 Work-Life Balance for Parents and Carers

Policy change

On 13 June 2019 the Council adopted the Work-Life Balance Directive (WLBD). It builds on the revised 2010 Parental Leave Directive (Council Directive 2010/18). The WLBD aims to reduce the persistent gender employment gap by encouraging fathers' participation in caregiving, thus alleviating the disproportionate care burden on women. It strengthens the existing right to parental leave, and it introduces three new rights: paternity leave, carers' leave, and flexible working arrangements (Table 1). Parents are now entitled to four months of parental leave each, with two months being paid and non-transferable between parents. In addition, it introduces 10 paid working days of paternity leave for fathers or second parents. Although this provision is a step in the right direction, de la Porte et al. (2022) argue that 10 days is insufficient to significantly alter entrenched gender norms in caregiving. The directive also grants carers five working days of leave per year, though without a stipulated level of payment. This in turn raises concerns that in the absence of financial support, women will remain the primary users of this right (de la Porte et al. 2022). Finally, the WLBD establishes a relative right for parents and carers to request flexible working arrangements (FWAs). Employers may refuse the employee's request, but they have to provide objective justifications.

Table 1. WLBD 2019/1158: new and strengthened rights

Provisions	2010	2019
Paternity leave	No material rights	10 days paid leave (art.4); remunerated at least at the level of sick pay (art.8, recital 30)
Parental leave	4 months per parent, 1 month earmarked leave; no obligation for remuneration	4 months per parent, 2 of which are paid and non-transferable (art. 5); remunerated at adequate level by MS (art.9, recital 31)
Carers' leave	No material rights	5 days (art. 6); no provisions on remuneration
FWAs	No material rights	1. use of remote working arrangements 2. flexible working schedules 3. reduced working hours (art.9)

Source: Council Directive 2010/18; WLBD 2019/1158

In brief, the WLBD introduces meaningful but not radical change. Its strongest provision, i.e. paid, non-transferable parental leave, signals a shift toward a dual-earner, dual-carer model (de la Porte et al. 2022). However, its potential is limited by the short duration of paternity leave, unpaid carers' leave, and conditional FWAs. Thus, the WLBD can be classified as a moderate-level policy

change: it is more ambitious than previous frameworks, but it still falls short of high-level structural transformation.

Conflicts at the adoption stage

Moving (part of) social rights and duties to the European level of governance has been challenging and agreements have proved very difficult to reach. Conflicting "social visions" of Europe have contributed to a "clash syndrome" underpinned by functional, normative and territorial rationales (Ferrera 2017). Building on these tensions, Ferrera (2017) differentiates between four different lines of conflict: (i) market-making vs market correcting; (ii) core vs peripheral Member States; (iii) free movement of workers (social and wage dumping, welfare tourism); and (iv) "power of Brussels" vs national sovereignty. The highly contentious negotiations over the adoption of the Work-Life Balance Directive illustrate these divides.

The social partners were not able to reach an agreement on entering negotiations. European-level trade unions and social NGOs (ETUC 2015, 2016, 2018a; CESI 2017; COFACE 2017) welcomed the EC proposal and advocated a more ambitious directive, pushing for a broader scope, including workers in unusual work arrangements, stronger non-transferability clauses, higher remuneration for leave, and extended entitlements for carers. By contrast, employers' organisations showed resistance and saw no need to negotiate (BusinessEurope 2017). According to them, the new initiative would impose economic burdens, administrative costs, and potentially negatively impact SMEs and public services.

The European Parliament supported the Commission's initial proposal, even proposing higher remuneration thresholds (European Parliament 2019). However, major resistance was found within the Council. Member States such as Poland and the Netherlands put forward reasoned opinions, raising concerns over the subsidiarity principle and arguing that work-life balance policies should remain a national competence. Moreover, Member States were reluctant to accept an EU definition of "worker" and wanted to stick to the approach of the 2010 Parental Leave Directive (Council 2018a).

The final compromise between the Parliament and the Council led to a watered-down directive. It eliminated the minimum remuneration for carers' leave, scaled back some flexible working provisions, and left other areas up to national discretion (e.g. pay levels and age restrictions for parental leave).

1.2.2 Transparent and Predictable Working Conditions

Policy change

On 20 June 2019 the Council adopted the Directive on Transparent and Predictable Working Conditions (TPWCD). This directive builds on the previous Written Statement Directive (WSD)

(91/533/EEC). It extends protections to all forms of work, including precarious and non-standard employment such as zero-hour contracts, casual work, and platform work. It introduces six new material rights: limiting probationary periods to six months, granting workers the right to take up parallel employment, ensuring timely work schedule notifications, introducing safeguards against zero-hour contract abuse, allowing workers to request a transition to a more secure job, and ensuring cost-free mandatory training (cf. Table 2). Scholars highlight both its potential and its limitations. Georgiou (2022) contends that by relying on CJEU jurisprudence, the hybrid "worker" definition might provide protection to previously excluded categories, enabling more legal consistency and convergence across Member States. However, Bednarowicz (2019) argues that the vague language of some provisions could make implementation difficult. In addition, Member States retain discretion to exclude certain workers, such as civil servants, judges, and law enforcement officers, from its protections.

In brief, the TPWCD makes important strides in rectifying previous gaps in worker protection, but it does not go far enough to fully protect all non-standard workers. The Council failed to include an EU-definition of "worker", leaving its interpretation a matter of national prerogative. As a result, its impact will largely depend on national implementation and legal interpretations of its scope. Thus, at best it introduces only a moderate level of change to the EU's social policy landscape.

Table 2. TPWCD 2019/1152: new material rights

Provisions	1991	2019
Probationary period	No material rights	Limit the length to 6 months, unless longer is objectively justified (art.8)
Parallel employment		Right to work for other employers (art.9)
Minimum predictability of work		Workers should know in advance when they can be requested to work. Outside the agreed working time, they retain full right to refuse calls, and protection against unfair treatment. Right to compensation when the employer cancels the work assignment after a specific deadline (art. 10)
On-demand contracts		Limitation on the use and duration of on-demand or similar employment contracts; Prevention of abusive practices regarding the use of on-demand or similar contracts (art. 11)
Transition to another form of employment		Possibility to request a more stable form of employment and to receive a justified written reply (within 1 month; for small and medium-sized enterprises within 3 months and orally for repeated requests) (art. 12)
Mandatory training		Right to cost-free mandatory training (art. 13)

Source: WSD 91/533/EEC; TPWCD 2019/1152

Conflicts at the adoption stage

Here, the main conflict relates to the EC's initial proposal to codify in EU law the definition of "worker" on the basis of CJEU jurisprudence. The intention of the Commission was to harmonise the "too heterogenous" implementation of the Written Statement Directive.

Trade unions endorsed the proposal. They advocated broadening its scope to include self-employed workers. The European Trade Union Confederation (ETUC) called for more robust tools to adequately protect workers in precarious and atypical employment (ETUC 2018b). Employers' associations, however, strongly opposed the scope of the directive and definition of "worker" (BusinessEurope 2018; UEAPME 2018), on the grounds that these would reduce employment flexibility, increase administrative burdens, and jeopardise job creation.

Stronger resistance came from the Council, which opposed the definition of "worker" (Council 2018b). The Swedish parliament issued a reasoned opinion, arguing that the directive violates the principle of subsidiarity. It also warned that a common EU definition of "employer" and "employee" could threaten the Swedish labour market model (European Parliament 2018).

The final text of the directive ultimately left the definitions of "worker", "employer" and "employment relationship" to be clarified through future legal interpretations, including national court rulings and decisions by the CJEU. While the definition of "worker" remains a national prerogative, it must be interpreted in line with CJEU case law.

1.2.3 Adequate Minimum Wages

Policy change

Adopted in October 2022, the Directive on Adequate Minimum Wages (AMWD) marks a paradigm shift in European wage policy (Schulten and Muller 2021; Natili and Ronchi 2023). The directive introduces two new rights. First, it requires Member States to draw up national action plans to increase collective bargaining coverage if less than 80% of the workforce is covered by collective bargaining agreements. Second, for Member States with statutory minimum wages, the directive establishes indicative reference values of 60% of the national median wage and 50% of the national average wage.

Scholars have highlighted the directive's early positive impact, even before its transposition into national law (due 15 November 2024). Müller (2024) illustrates that the "double decency threshold" has already influenced minimum wage increases in several countries, acting as a political benchmark for social partners and governments. He does, however, stress that the directive only offers normative and political guidelines rather than legally mandatory criteria, meaning that its effectiveness will ultimately depend on the will of national actors. Similarly, in a related study, Schulten and Müller (2021) argue that although the directive sets a "hard" quantitative target on collective bargaining, Member States will not automatically meet this target, since a significant increase in bargaining coverage is not at all easy to achieve. Ultimately, according to the authors, the directive establishes an important political framework to strengthen social dialogue and advocate for higher wages, but its actual significance will be determined by its implementation and enforcement in individual Member States (Schulten and Müller 2021).

Table 3. AMWD 2022/2041: new material rights

Provisions	2022
Minimum wages	Member States shall use indicative reference values to guide their assessment of the adequacy of statutory minimum wages. To that end, they may use indicative reference values commonly used at international level such as 60% of the gross median wage and 50% of the gross average wage, and/or indicative reference values used at national level (art.5/4).
Collective bargaining	Each Member State in which the collective bargaining coverage rate is less than a threshold of 80% shall provide a framework of enabling conditions for collective bargaining, either by law after consulting the social partners or by agreement with them. Each Member State shall also establish an action plan to promote collective bargaining, setting out a clear timeline and concrete measures to progressively increase the rate of collective bargaining coverage, in full respect for the autonomy of the social partners (art. 4/2).

Source: AMWD 2022/2041

In brief, the AMWD indicates a high level of policy change at the EU level. It has already influenced national discussions and strengthened trade unions' capacity to demand better pay and working conditions. However, its practical impact is closer to moderate, since it will depend on how Member States act upon its provisions.

Conflicts at the adoption stage

The negotiations over the AMWD reflected long-standing conflicts within the European socio-economic governance (cf. Natili and Ronchi 2023). The Commission's proposal showed strong commitment to social issues; however, it also raised concerns about its legal nature and scope.

Despite opposition from Nordic social partners, the ETUC endorsed the call for an EU directive on minimum wages. Employers' associations, however, strongly opposed the initiative. BusinessEurope labelled it a "recipe for disaster" and "a legal monster" (BusinessEurope 2020). Likewise, Ceemet dismissed the proposal, claiming that it lacked a legal basis and would undermine social partner autonomy (Ceemet 2021).

The European Parliament (EP) largely supported the directive. Opposition arose mainly from the Identity and Democracy (ID) group, whose members resisted the initiative at both national and EU levels (Natili and Ronchi 2022).

Within the Council, negotiations were highly contentious. Natili and Ronchi (2023) argue that the negotiations were difficult due to the opposition from the Nordic and Eastern European MS: while Nordic countries feared that EU intervention would undermine their standards, Eastern countries are generally sceptical because they want to maintain their national sovereignty (Natili and Ronchi 2023). The Netherlands, Austria, Ireland, Greece, and Malta also showed resistance, arguing that the directive would undermine national wage-setting models or impose excessive burdens. Germany, France, Italy and Spain were in favour of the proposal for a directive,

considering it an important step to deliver on principle 6 of the European Pillar of Social Rights (Natili and Ronchi 2022). The Council's general approach significantly weakened the initial proposal. It stated that Member States should "promote" (rather than "ensure") adequate minimum wages, with each Member State setting their own standards (Council 2021). The initial criterion of at least 70% collective bargaining coverage was lowered to a non-binding indicator which, should coverage drop below this threshold, would necessitate the creation of an action plan.

The directive was officially adopted on 4 October 2022, with Denmark and Sweden voting against, while Hungary abstained.

1.3 Case selection – Member States

The selected Member States have been chosen because of their traditionally different welfare state regimes: Belgium (Conservative), Ireland (Liberal), Italy (Southern) and Poland (Eastern) (cf. Esping-Andersen 1990; Ferrera 1996). Countries from the Nordic/social-democratic model are not included in this study due to the extensive existing research (e.g. de la Porte 2019; de la Porte et al. 2023; Selberg and Sjödin 2024).

It is important to note that these regime classifications should not be understood as "pure" models. Rather, they serve as heuristic tools to capture dominant features and historical trajectories. The comparative welfare state approach in this case helps us understand how historical, institutional and political factors shape policy output. We can thus assess how EU-level initiatives, such as directives, are received, interpreted and implemented within diverse national systems. At the same time, this allows us to capture the (mis)fit between EU goals and domestic institutions, which in turn is crucial for understanding implementation gaps and customisation. By comparing cases, we identify whether the EPSR has had an added value in shaping and strengthening national social rights.

Below, we outline each country-case's welfare model trajectory, based on the existing literature.

1.3.1 Belgium: a changing yet relatively resilient corporatist model

Based on the classic welfare regime typology (cf. Esping-Andersen 1990), Belgium belongs to the conservative welfare model characterised by a predominance of social insurance schemes and corporatist management of industrial relations, employment and social policy. Consequently, unemployment insurance, pensions, and healthcare are the pillars of the system, funded through payroll taxes, and contributions from employers and employees. The social partners play a significant role in policies pertaining to work and welfare via highly institutionalised mechanisms of consultation, negotiations and collective agreements which can be universally applicable. Furthermore, the functioning of the Belgian welfare state reflects the country's complex political

structure, with multiple levels of governance, including federal, regional, and community governments. This decentralisation affects the administration of social services and welfare policies, leading to some variation across regions (Cantillon and Van Lancker 2009).

Like other EU countries in continental Europe, notably France, Germany and Luxembourg, Belgium has witnessed continuous reforms over the past 20 years in an attempt to adapt to pressures stemming from de-industrialisation and demographic ageing. These reforms include the deregulation of the labour market (notably by the introduction of the so-called "flexi-jobs" in 2015 and their continuous expansion until 2024) and successive pension reforms raising the legal retirement age to 67. The country's comprehensive and inclusive social protection, combined with ad hoc measures, were relatively successful in cushioning the social impact of the Covid-19 pandemic. More recently, there is a new political emphasis on Belgium's severe indebtedness, and the need to reduce public spending is high on the political agenda. A new round of commodifying reforms was enshrined in the federal government's agreement, including a new pension reform as well as a radical change to the unemployment benefit regime. Meanwhile, persistent poverty (Cantillon 2022), and labour shortages in the education and healthcare sectors have been nagging problems.

1.3.2 Ireland: a liberal welfare model shaped by financial capitalism

Ireland is an example of a liberal welfare model, due to its low decommodification score, low level of state spending and low share of social insurance in social spending (cf. Esping-Andersen 1990; Bonoli 1997). The state encourages the market, either passively (minimal interference) or actively (incentive for private schemes). The tax system generally incentivises people to make private provision, through tax exemptions and tax allowances. There is little collectively guaranteed employment, even for groups with poor labour market prospects.

Since the onset of the Great Recession, Ireland has undergone a pronounced shift toward a more liberal, market-oriented welfare model (Dukelow and Considine 2014; Dukelow and Kennett 2018). The austerity-driven reforms were characterised by what Gill (2017) describes as a disciplinary neoliberalism, where "Financial Europe" eclipsed "Social Europe". The State welfare regime was recast as overly generous and inefficient, which legitimised a new round of coercive commodification (Dukelow and Kennett 2018), including stricter benefit regimes, shortened payment duration and tightened eligibility. The Irish welfare architecture has evolved over time to place an emphasis on individual responsibility, means testing and activation in the job market, while also retaining aspects of Catholic corporatist traditions that view the family as welfare provider (cf. Whelan 2022). In a nutshell, this ideological combination has contributed to a low degree of decommodification and limited redistributive capacity (Whelan 2022).

1.3.3 Italy: a dualistic and fragmented welfare state

Building on Esping-Andersen, Ferrera (1996) identifies a Southern model, with Italy at its heart, characterised by the persistent role of the family as welfare provider (Saraceno 1994). Scholars have traditionally defined the Italian model as a mixed, dualistic welfare state marked by two key distortions (cf. Ferrera 1996; Jessoula and Natili 2024). The first, a functional distortion, refers to the dominance of pensions and the chronic underfunding of family, labour market and social assistance policies (Ferrera 1996). The second, a distributive distortion, involves a highly unequal allocation of resources between social groups, favouring insiders (e.g. permanent, public-sector workers) over outsiders (e.g. precarious or informal workers). Therefore, Ferrera (1996) describes decommodification as "schizophrenic", i.e. some groups (notably public employees) enjoy robust protection, while others (such as atypical workers or the unemployed) remain largely excluded from basic support. With the partial exception of the universal healthcare system, large gaps persist in protection levels. A longstanding feature of the Italian welfare system has been the absence of a comprehensive anti-poverty safety net. There was no national minimum income scheme until recently, and the current one has already been scaled back (cf. Natili 2019; Jessoula and Natili 2020; Natili and Fabris 2024). Finally, the weak labour market sector, often characterised by irregular employment, has offered a favourable ground for the emergence and expansion of a "clientelistic market", in which State transfers to supplement inadequate work incomes are exchanged for party support, often through the mediation of trade unions, at the individual level.

In the last decades, several functional pressures, including socio-demographic and labour market transformations, the global financial and the Eurozone sovereign debt crises, have had a severe social impact in Italy, and laid bare the inadequacies of Italy's social safety nets (Jessoula and Natili 2024).

The last decade has also seen major political shifts, in both socio-political demand (e.g. changing preferences of voters and interest groups) and supply (e.g. party system restructuring). These dynamics have influenced welfare policy orientations, including expansionary moves toward previously marginalised areas, and retrenchment of traditional sectors (e.g. pensions) (Jessoula and Natili 2024). According to Jessoula and Natili 2024, these reforms have substantially altered key features of the Italian welfare state, particularly in addressing poverty and strengthening support for families.

However, despite progress, spending on active labour market policies, childcare, and social services remains well below the EU average (cf. Jessoula and Natili 2024).

1.3.4 Poland: hybridisation and rise of familialism

In the welfare state typologies, the Polish model is often characterised as a hybrid of the Bismarckian, neoliberal and social democratic elements. Research also indicates that this hybridisation is a combination of Bismarckian social insurance schemes (which provide broad coverage) with flat-rate benefits, strong conservative principles in family policies, and a neoliberal approach to labour market and social assistance policies (cf. Cook 2007; Haggard and Kaufmann 2008; Orenstein 2008).

In terms of policy outcomes, in the Polish case we observe two main trends. First, we see a trend towards re-commodification, in which the cost of obtaining social protection is shifted from the State and from the employer onto workers and individuals, as a way to reduce labour costs (cf. Cook 2007). In other words, wages become a greater and there is a growing proportion of total compensation, whereas State and enterprise benefits diminish.

Second, there has been a trend towards re-familialisation (cf. Saraceno and Keck 2011; Meardi and Guardiancich 2022), which has gained momentum since 2015, under the Law and Justice (PiS) government. In fact, the PiS administration has promoted a nationalist, conservative and pro-natalist agenda, reinforcing the role of the family as the primary provider of welfare (cf. Lendvai-Bainton and Szelewa 2020). This has led to the expansion of family-focused cash transfers, most notably the *500+ programme*, but also to a growing moralistic distinction between the "deserving" and "undeserving" poor (Lendvai-Bainton and Szelewa 2020). Importantly, as discussed below, there has been a growing tendency to implement social and labour market policy reforms unilaterally, with only nominal regard for tripartite social dialogue (cf. Meardi and Guardiancich 2022).

Overall, the Polish model reflects a dual dynamic marked by conservative familialism, insider-outsider divides, and selective social investment.

2. Transposition and implementation of the Work-Life Balance Directive

The fit between the existing provisions on work-life balance and the 2019 EU draft directive can be seen as relatively good. The directive was nevertheless used to enhance existing rights, especially through the introduction of flexible working arrangements for parents and carers. It triggered no major conflict, although employers remained critical *vis-à-vis* what they saw as additional constraints.

2.1 Belgium

2.1.1 Policy change

The EU WLBD only introduced marginal change to existing Belgian law and policy in the field. The initial breakthrough in work-life balance arrangements in Belgium dates back to the 1990s. At the time, political and social actors had been proactive in introducing the national system of "career breaks" in1985, allowing workers to take part-time or full-time leave for up to one year. The then Minister of Labour, as well as trade unions, engaged proactively in the negotiations over the framework agreement on parental leave, adopted in 1996 as one of the very few intersectoral agreements between employers and unions at EU level (Reyniers and Vielle 2009). Subsequently, Belgium adopted a progressive policy on parental leave, notably also in application of the 2009 revision of the 1996 European Framework Agreement.

The EU WLBD was transposed in 2022 through a law[4], two Royal Decrees on rights to leave in the public[5] and private[6] sector respectively, as well as through a collective agreement[7] from the social partners about flexible working arrangements. The WLBD created no new right to leave. The gradual extension of paternity leave to 15 days (in 2021) then 20 days (as of 2023) was already decided in the coalition agreement of the federal government taking office in 2020, regardless of EU developments on the issue. In that sense, Belgian law was already going far beyond the 10-

4. Law partially transposing Directive (EU) 2019/1158 of the European Parliament and of the Council of June 20, 2019, on the work-life balance of parents and caregivers and repealing Directive 2010/18/EU of the Council, and regulating certain other aspects relating to leave, 7 October 2022, *Moniteur belge*.
5. Arrêté royal transposant partiellement la Directive (UE) 2019/1158 du Parlement européen et du Conseil du 20 juin 2019 concernant l'équilibre entre vie professionnelle et vie privée des parents et des aidants et abrogeant la Directive 2010/18/UE du Conseil, en ce qui concerne le secteur public, 28 November 2023.
6. Arrêté royal transposant partiellement la Directive 2019/1158 du Parlement européen et du Conseil du 20 juin 2019 concernant l'équilibre entre vie professionnelle et vie privée des parents et des aidants et abrogeant la Directive 2010/18/UE du Conseil, 31.103.2022.
7. Convention collective de travail N° 162 du 27 septembre 2022 instituant un droit à demander une formule souple de travail, modifié par la Convention collective de travail N° 162/1 du 24 janvier 2023.

day paternity leave granted by the EU directive. While social security covers 82% of the gross income for parental leave taken directly after the child's birth (or adoption), a person taking parental leave at a later stage (until the child is 12 years old) only receives a flat-rate allowance currently capped at €982 for a full-time interruption. From the unions' standpoint, the weak remuneration deters fathers from taking as much parental leave as mothers (Interview BE-CSC2). This state of affairs was not altered by the WLBD.

The transposition of the EU directive only brought about a marginal consolidation of existing rights, notably regarding contract termination. For workers with fixed-term contracts taking parental (or adoption) leave, contract termination from the employer is now considered as linked to the leave, unless the employer can prove otherwise, and workers should therefore receive a financial allowance amounting to 3 months of remuneration. The new five-day annual leave for carers introduced by the directive is now covered by (and deducted from) the pre-existing 10-day leave "for compelling reasons"; this limits the reach of this new right for Belgian workers, especially because employers are not obliged to provide remuneration for those days of leave, unless this is set out in sectoral rules or collective agreements (CSC 2022). Here, too, the directive did not provide any provision making remuneration mandatory.

The most important new feature brought about by implementation of the WLBD is the introduction of new flexible working arrangements, which may be regarded as a new right (Interview BE - GOV.EMPL1, CSC, 2022). In Belgian law, the existing right to leave for carers was designed as long-term leave of between one and 3 months. While generous, it was not flexible and implied income loss. In turn, the collective agreement of September 2022 (see note 7) on flexible arrangements now foresees that workers can ask for arrangements to be decided at company level (including telework, non-standard working hours, or reduced hours) to take care of an ill or handicapped relative. In this area, the EU directive seems to have therefore brought about a shift from exceptional leave to permanent arrangements without income loss. At the same time, employers are not obliged to accept the demand; they must only provide justification in case of rejection, with the agreement providing legitimate motives for a refusal. From a union standpoint, this therefore upholds the previous situation, where workers would put an informal request to their employer, and this collective agreement ends up being toothless, or even ignored in practice (Interview BE – CSC2).

2.1.2 Patterns of conflict

From the outset, the Belgian government proved supportive of the objectives pursued by the directive. Between 2020 and 2025, the country was governed by a broad coalition (dubbed "Vivaldi"- made up of Socialists, Christian Democrats, Liberals and Greens). In tune with Belgium's pro-EU social regulation, and with the portfolios for Economics and Labour, Social

Affairs and Health, and Equal Opportunities attributed to Socialists and Greens, the EU initiative was used as a lever to enhance existing rights. This said, the government was wary of constraining EU provisions which would generate additional costs, something that was perceived as in conflict with the tight surveillance of the country's indebtedness under the EU fiscal rules and the European Semester (Interview BE GOV-PR). Thus, Belgium insisted during the negotiations that the paternity leave should not be remunerated more generously than sick leave. During the transposition phase, the Socialist Labour Minister did not obtain government agreement on introducing remuneration for carers' leave (Interview BE - CSC2). Several aspects of the Belgian decision-making system led to delays, which meant that Belgium failed to comply with the transposition deadline and faced an infringement procedure. On the one hand, the issues dealt with in the directive were spread across several portfolios and politico-administrative remits, implying coordination costs typical of Belgium's complex federalism. On the other hand, and more importantly, the opinion of the social partners, meeting in the National Labour Council (*Conseil national du travail)*, is key in the Belgian neo-corporatist decision-making process. Divisions and lengthy discussions among social partners explain, to a large extent, the accumulated delays (Interview BE - GOV.EMPL1). Whereas the unions were keen to use the opportunity to strengthen workers' rights, employers deplored the fact that "draft laws put forward by the Minister [of Labour] and the State Secretary [for Equal Opportunities] use the transposition of the directive to introduce additional leave possibilities and protections" (CNT 2021, p. 14). They criticised, in particular, the fact that the "inflation of parliamentary and governmental initiatives" has led to an increasingly complex regulatory landscape, bringing about legal insecurity and bureaucratic constraints at odds with the pledges for simplification included in the 2019 coalition agreement (*Idem*). Eventually, though, the transposition law was passed without much debate in the Parliament (Interview BE - GOV.EMPL1) and the National Labour Council agreed on flexible working arrangements in 2022. Their demand for minimal implementation of EU law creating no new provisions in Belgian law is known under the motto "no gold-plating" (Interview BE – CSC2).

2.2 Ireland

2.2.1 Policy change

In line with the patriarchal familialism and liberal welfare model, family policies and shared caring roles have traditionally been underdeveloped in Ireland. Overall, the Irish model was based on a legacy of male-breadwinner culture, and informal and unpaid care provided primarily by stay-at-home mothers (Rush 2015). Differently from other European countries, there were, until 2016, no paid parental or paternity leave schemes designed in accordance with the new egalitarian ideas of shared care responsibilities and gender equality (Köppe 2023).

Against this backdrop, a number of progressive policy measures were introduced to tackle the negative effects of the financial crisis. Among other measures, the introduction of Paternity Benefit in 2016 and Parent's Leave in 2019, marked a departure from the traditional gender differentiated family roles, towards a dual-earner and dual-career model (cf. Köppe 2023). While the Paternity Bill introduced two weeks of paid paternity leave, the Parent's Leave and Benefit Act 2019 initially introduced two weeks of paid Parent's Leave per parent as a new and separate scheme, which was eventually extended to five weeks in 2021 and seven weeks in July 2022.

Therefore, prior to the transposition of the WLBD, both these measures existed at the national level. However, they did not meet the minimum EU requirements. Both types of leave provide a flat-rate allowance set at a weekly rate of €245, thus replacing less than one-third of gross earnings for the average earner (OECD, 2023). These weak financial incentives, in turn, have to date discouraged take-up by fathers (Seward et al. 2023). Moreover, Parent's Leave could be granted for only seven weeks, falling short of the minimum duration required by the WLBD. In addition to parental and paternity leave, the directive introduced two other important rights aimed at supporting work-life balance: the carers' leave and flexible working arrangements. Neither of these provisions existed at the statutory level in Ireland, highlighting thus a high level of misfit in the legal framework.

The transposition of the WLBD introduced three new tangible rights in Ireland: five days of unpaid carers' leave, five days of paid domestic violence leave and the right to request flexible working arrangements for caring purposes. Moreover, the new bill envisaged a further increase of Parent's Leave to nine paid weeks by August 2024. In addition, amendments were made to the existing Maternity Protection Act, extending breastfeeding rights, to take breastfeeding breaks, from 26 weeks to 104 weeks following the birth of the child. Finally, the government decided to incorporate the provisions of the Right to Request Remote Working Bill into the bill, to provide families with more flexibility to support a better work-life balance.

While the national regulatory framework is broadly in line with the EU standards, practical challenges in implementing and accessing these rights persist. In fact, the incomplete transposition affects both the creation of and effective access to new rights. In addition to inadequacy of benefits, there are still no two weeks of paid parental leave. In fact, Ireland[8] faced infringement proceedings from the European Commission for failing to adopt the necessary provisions on time (European Commission v Ireland Case C-69/24).

8. The deadline for the transposition of the WLBD was 2 August 2022. However, in Ireland, the Work Life Balance and Miscellaneous Provisions Act 2023, transposing the WLBD, was signed on 3 April 2023. The new rights came into force later that year.

2.2.2 Patterns of conflict

In Ireland, the transposition process takes place through the Labour Employer Economic Forum (LEEF), which includes representatives from trade unions, employers' organisations and government. The government's initial proposal for the Work-Life Balance and Miscellaneous Provisions Bill received mixed reactions from the social partners. Unions, while welcoming aspects of the bill, criticised it for being too minimalistic and for failing to go beyond minimum EU requirements. The Irish Congress of Trade Unions (ICTU) particularly opposed the six-month service requirement for flexible working arrangements and argued for paid domestic violence leave (ICTU 2022). Importantly, however, unions were successful in pushing forward the Right to Request Remote Working Bill into the bill transposing the directive.

The Irish Business and Employers Confederation (IBEC) never actively opposed the directive; however, they expressed concerns about the increased costs, demanding that the *"transposition exercise goes no further than necessary in transposing the minimum requirements of the Directive"* (IBEC 2022). In more detail, in their submission to the Joint Oireachtas Committee on Children, Equality, Disability, Integration and Youth, they were critical of the government's bill and called for more stringent access criteria, including: longer response times for permit applications (from four to twelve weeks); a reduction in the age limit for children whose parents can request Flexible Working Arrangements (FWAs) (from twelve to eight years old); specific grounds upon which employers can refuse requests; and, stricter limits on the number of requests a parent or carer can make for FWAs (to once in a 12-month period) (IBEC 2022). Moreover, they argued against the introduction of the new statutory leave for medical care purposes: they claimed that it would impose unnecessary costs on employers, since two years of carers' leave already existed, which, in their view, sufficiently met the directive's objectives (IBEC 2022). Finally, they demanded a requirement for evidential proof that a person has been victimised "to avoid any potential abuse of domestic violence leave" (IBEC 2021a). The latter fuelled further discussions and raised concerns among trade unions and in the Dáil.

While the government coalition parties (Fianna Fáil, Fine Gael, Green Party) considered the bill as a proactive and progressive piece of legislation, opposition parties welcomed the initiative but deemed it insufficient. They argued that the government *"is doing the bare minimum of what it is legally required to do under an EU directive on work-life balance"*, claiming that this approach catered to the interests of employers (Dáil debate, 12 Oct. 2022 – 29 Mar. 2023). In the words of deputy Murphy (People Before Profit-Solidarity), the only ones who are really applauding are the employers' IBEC representatives because the Government is following what IBEC wanted to happen with this Bill. Representatives of IBEC told the relevant Oireachtas committee, "It is vital that the transposition exercise goes no further than necessary in transposing the minimum requirements of the directive." That is why we have the minimum bill we have. It contains no more than the minimum required by the EU directive. (Dáil debate 2022, October 13).

Debates in the *Dáil* and *Seanad* highlighted significant conflicts, particularly over the adequacy of domestic violence leave and the flexibility offered to employers (Dáil debate 2022; Seanad debate 2023). Opposition parties (Sinn Féin, Social Democrats, People Before Profit-Solidarity and the Labour Party) largely supported expanded provisions, including an extension of domestic violence leave to ten days, paid medical leave and a stronger right for employees to access FWAs. Although the initial draft included stronger provisions for flexible work arrangements and domestic violence leave, changes made in response to employer concerns led to the retention of a six-month service requirement and the introduction of only five days of domestic violence leave per year. The bill was finally approved by the Oireachtas on 4 April 2023.

While the unions were overall satisfied with the policy output, they raised concerns about FWAs and the Remote Working Bill. In the words of an ICTU representative, *"the reason that it is not satisfactory is the veto that the employer has ultimately in relation to somebody who makes a request [for remote working]. The bill allows them to dispute the employer, allowing them to go to a third party to have it adjudicated on, but ultimately the employer can say 'no' and that's the trade unions' problem with it"* (interview IE - ICTU).

2.3 Italy

2.3.1 Policy change

In Italy, the *transposition* of the WLBD did not introduce new rights; however, several existing provisions were strengthened to meet the minimum EU requirements. Regarding paternity leave, while fathers received 100% remuneration, Italy was not compliant with the duration of the leave. Prior to the transposition, only four paid working days were available to fathers. In addition, parental leave allowance was due for a maximum of six months within the first three years of the child's life, paid at 30% of the salary.

The legislative decree no. 105/2022 expanded the scope of paternity leave, granting working fathers an autonomous and distinct right to ten paid working days at 100% salary, which could no longer be taken by the mother instead. Moreover, it established that each working parent is entitled to three months of non-transferable parental leave, at 30% of the salary. Parents are also entitled, alternatively between them, to a further period of leave of a total duration of three months, at 30% of their salary. Finally, the new legislation introduced a few tools for FWAs, mainly amending the existing regulation on flexible work and the transition from full-time to part-time work.

This minimalistic transposition by the Italian government reveals significant limitations. A first observation concerns the overall scope of the legislation. The resulting framework applies weak provisions, reducing the right to FWAs to a mere priority in accessing flexible work (art. 4, lgs. No. 105/2022, cf. Alessi 2023) and restricting the transition to part-time work exclusively to employees who must provide care for severely ill family members (art. 5, lgs. No. 105/2022). A

closer look at the implementation also raises concerns about the effectiveness of these provisions (cf. Calafà 2023; Militello 2023), which remain inconsistent due to bureaucratic issues and inadequate protection. The latter is particularly evident in the parental leave provisions, where the remuneration of 30% of the salary does little to incentivise fathers to take up leave.

2.3.2 Patterns of conflict

The Italian transposition of the WLBD reflects deep-rooted traditional gender roles (Militello 2023) and ongoing political neglect in this field. Work-life balance, in fact, is still not a policy priority, as Alessi et al. 2022 note, with limited discourse and engagement at the national level.

While the Italian unions welcomed the directive's push for more equal parental leave (CGIL 2018; CISL 2019), they criticised the government's approach for being too formalistic and bureaucratic. Unions argued that the new provisions, particularly regarding paternity leave, lacked sufficient financial backing to make them truly accessible to working-class families (cf. CISL 2022; CGIL 2022; CGIL 2024a). In addition, unions contended that these provisions did little to challenge traditional gender roles in care. The employers' associations were largely absent from the political debate, and they did not publicly express their position on the matter. Their communications have largely focused on acknowledging adoption of the new legislation without taking a stance on its implications.

There was no substantive political debate on the bill, rather it was processed as a procedural formality. The bill was submitted to parliamentary standing committees for their opinion by the Minister for Relations with the Parliament (Government act no. 378). The European Union Policies Committee endorsed it for EU compliance (European Union Committee 2022). In contrast, the Budget Committee took a more critical stance, raising concerns about preventing additional costs for the state budget or employers during the implementation process (Budget Committee 2022). The Labour Committee argued in favour of a more equitable division of parental responsibilities. First, they recommended an increase in the duration of the parental leave to align it with the maternity leave. Second, they proposed an increase in the parental leave compensation to 50% of the salary. The final act approved by the Council of Ministers, though, remained largely unchanged.

2.4 Poland

2.4.1 Policy change

In Poland, the transposition of the WLBD led to the introduction of one tangible new right – five unpaid days of carers' leave (Act 641/2023, art. 173). Prior to this, the national regulatory framework already met the EU requirements regarding paternity leave, providing two weeks of

fully paid leave (art. 182). However, a moderate level of misfit existed in other provisions, particularly concerning parental leave and FWAs. There was no individual and non-transferable entitlement to parental leave. Moreover, this provision was available only until the child reached six years of age. Poland's fit with the directive's FWAs was similarly partial, limited to specific circumstances, such as cases of complicated pregnancy or when the child has a permanent illness or disability.

The legislative changes to align with the WLBD recognise parental leave as an individual entitlement, granting each parent nine weeks of non-transferable leave (art. 182). In addition to five days of carers' leave, two days of *force majeure* leave were introduced for urgent family matters related to illness or accident, compensated at 50% of the salary (art. 148). Furthermore, parents of children up to eight years old now have the right to request FWAs, which can include reduced working hours, remote work or flexible schedules (art. 188). Employer decisions on these requests must be non-discriminatory and objectively justified, ensuring fair and transparent access to FWAs for parents. While the employers are not obliged to consider the application positively, they will have to provide an objective reason for a possible negative response or take a decision to apply flexible work arrangements at a different time. Additionally, under the new art. 183e § 3, an employee whose rights have been violated by the employer shall be entitled to compensation at an amount not lower than the minimum wage.

Poland is a case of minimal adaptation, because the government has implemented only the changes required to formally meet the WLBD's standards. While this approach ensures legal compliance, it significantly diminishes the directive's practical impact (cf. de la Porte et al. 2023). The implementation gap becomes even starker when considering the limited personal scope of who is formally covered by the status of "employee". Labour market duality is particularly prevalent in Poland, where one segment of employees is covered by the Labour Code and the other by Civil Law Contracts (CLC)[9]. The Polish government decided to apply the directive exclusively to traditional employees as defined by the Labour Code, and to some categories of officials. Thus, inequality among workers is reinforced, since the workforce left out of the scope of the directive is often subject to more precarious and vulnerable employment conditions, making the need for legal safeguards even more urgent (Interview PL - NSZZ).

2.4.2 Patterns of conflict

Poland abstained in the Council vote, arguing that the directive did not comply with the principle of subsidiarity (European Council 2018). Once the directive was adopted at the EU level, it had to be transposed into national law. In response, the Polish government (Law and Justice (PiS))

9. Data on the number of people working under civil law contracts in Poland are inconsistent, but it is estimated that they account for approximately 13% of all employees (Polski Instytut Economiczny).

proposed changes to the Labour Code, which, however, met with scepticism. Although they expressed general support for the directive, the major trade union organisations (NSZZ "Solidarność" 2022a; OPZZ 2023) voiced concerns about specific aspects of the proposed implementing bill. According to them, the introduction of five days of unpaid carers' leave would discourage employees from using this provision, because they could opt for sick leave or holidays instead (NSZZ 2022). Unions also criticised the lack of adequate remuneration for leave for urgent family matters, claiming that half pay during leave would not encourage employees to take the necessary time off (NSZZ 2022). However, the trade unions did not push for systemic changes but only highlighted the shortcomings in the transposition process. For them this directive was not a priority, partly due to the lack of women's representation within their ranks (Interview PL - NSZZ).

Conversely, employers' organizations were largely against what they saw as overly burdensome provisions. They called for a minimalist transposition of the directive, arguing that additional rights to leave would increase costs and reduce flexibility for businesses, particularly small- and medium-sized enterprises (ZPP 2022a).

Nevertheless, due to Poland's centralised decision-making process, the social partners' influence was restricted, leading to a top-down approach that prioritised the government's agenda over inclusive dialogue with stakeholders (cf. Pircher et al. 2024; de la Porte et al. 2023).

The final legislation, passed after a considerable delay, extended parental leave rights, but not as much as unions had hoped for. The government did not invest in information campaigns to raise awareness of the new rights (de la Porte et al. 2023). As a trade union representative explains: "*Law and Justice was in power, and they did not like the idea of the European Union or its directive attempting to balance caregiving obligations between mothers and fathers. From their perspective, minimalistic implementation was the easiest way to signal that the EU would not dictate family policies to Poland – an issue they viewed as the exclusive domain of Member States"* (Interview PL - NSZZ).

3. Transposition and implementation of the Directive on Transparent and Predictable Working Conditions

3.1 Belgium

As a result of disagreement over a common European definition of the status of worker, the TPWCD, which was arguably set to be relatively unambitious, missed its aim to increase the protection and rights of labour market outsiders. Provisions on informing workers about their contract and working conditions were already relatively robust in Belgian law. Surprisingly, though, it turned out to be rather contentious and Belgium eventually abstained when the

directive was adopted in the Council. Wary of new constraints weighing on flexi-jobs, platform workers and the public sector, and concerned about an additional administrative burden for small and medium enterprises, the Federal government[10] wanted a minimalistic directive. During the transposition phase, the following governing coalition (with a Socialist Minister of Employment) proved more prone to using the directive to consolidate existing rights while aiming to prevent additional administrative procedures.

3.1.1 Policy change

The fit between the EU TPWCD and the pre-existing law in Belgium can be regarded as relatively good. Belgium had regulated information about working conditions as early as 1965 through a law introducing the so-called *règlement de travail*, whereby employers must send the Labour Inspection services, within 8 days of the negotiations with the worker (or their representatives), a written document including information about all aspects of the working conditions, including hours, leave, the calculation of their remuneration, rights and duties, etc[11]. These provisions were enhanced as a result of implementation of the 1991 EU Directive addressing the issue, and in 2002, the protection regime was extended to the public sector. The TPWCD was implemented through a law[12], on one hand, and a collective agreement[13], on the other, both serving to marginally enhance and consolidate existing rights. The only new right introduced, by application of Article 11 of the TPWCD, relates to training which is mandatory for the completion of the work (e.g. the obtaining of a driver's licence) and which should now be provided for free by the employer (Interview BE – CSC2).

Belgium was not affected by the establishment of minimum rights in the TPWCD, especially the limitation of probation periods to six months, since this type of clause had been eliminated in 2014 (Interview BE - GOV.EMPL2). Regarding working hours, a law from 1989 already stipulated that workers with a fixed-term contract of a limited duration have to be informed of their working hours at least five days in advance. Implementation of the TPWCD means that workers must receive all the relevant information from the first day of work, and that they now need to be informed of their work schedule seven days in advance. This was seen as a valuable provision in

10. Between 2014 and 2019, Belgium was governed by a so-called "Swedish coalition" made up of Conservative, Liberal and Nationalist parties under Prime Minister Charles Michel.
11. Loi du 8 avril 1965 instituant les règlements de travail, http://www.ejustice.just.fgov.be/eli/loi/1965/04/08/1965040816/justel (27 February 2025)
12. Loi transposant partiellement la directive (UE) 2019/1152 du Parlement européen et du Conseil du 20 juin 2019 relative à des conditions de travail transparentes et prévisibles dans l'Union européenne.
13. Conseil national du travail, Convention collective de travail n°161, 27 September 2022.

the light of the labour market deregulation policy, notably the introduction of the so-called "flexi-jobs" in 2015, open to people who already have a part-time job or are retired[14].

3.1.2 Patterns of conflict

While not hostile to the EC proposal, the competent ministries within the federal government were generally sceptical as to its possible added value for Belgium, where workers already had considerable rights concerning information on work contracts (including work schedules) (Interview BE - GOV.EMPL2). This may be why the government abstained during the vote in the Council. Initially, employers expressed strong reluctance toward the proposal, dreading an increase in bureaucracy. A key issue was, for instance, that the existing "règlement de travail" is given in the form of collective information for all workers in the same company, while the EU directive states that information needs to be "individual". This therefore triggered fears about employers having to produce an additional document (Interview BE - GOV.EMPL2). However, employers were relieved when they were consulted and reckoned that the Ministry had gone for a "light touch" approach, consisting in keeping or amending slightly the provisions existing in Belgian law (CNT 2022a).

Discussions among the social partners nevertheless proved lengthy, meaning that Belgium failed to meet the transposition deadline of 1 August 2022 and received a notification from the EC. One explanation lies in the unions' efforts to push for a maximalist implementation introducing new rights. They were successful, for instance, in securing that a worker should be fully informed over their working conditions from the first workday, while the directive allowed up to seven days. In contrast, improvements to the situation relating to flexi-jobs proved to be a step too far (Interview BE- CSC2).

Debates in the Parliament proved particularly uncontentious. Even the opposition parties were broadly supportive of the objectives of the TPWCD, with the Nationalists of the NV-A seeing in the tightening of the regulation an opportunity for stricter control of posted workers. Socialists and Green MPs saw the new provisions as especially benefitting women employed in the service sector, often on a part-time basis, thus contributing to a better work-life balance in practice[15].

Furthermore, the discussion on implementation of the TPWCD coincided with industrial action by workers employed in the cleaning sector, paid via service vouchers and employed by ad hoc agencies. In 2022, workers with this status, 98% of whom are women, took action to protest against their precarious working conditions: low pay, unwanted part-time hours, and poor information and protection. In the first draft of the implementation law, the voucher-based sector

14. Chambre des représentants de Belgique, Minutes de la session plénière du 29 septembre 2022, CRIV 55 PLEN 203.
15. *Ibid*.

should have fallen outside the scope of the legislation. But some MPs eventually succeeded in having the sector included. From today's trade union standpoint, as the Federal government is contemplating initiatives to further deregulate the labour market, the EU TPWCD could prove useful to ensure a minimum standard of information on working conditions for different categories of workers (Interview BE – CSC2).

3.2 Ireland

3.2.1 Policy change

Ireland pre-empted most of the provisions of the TPWCD in its Employment Act 2018. This legislation introduced several key employee protections, including the statutory right to receive basic terms of employment within five days of commencement. Among other terms and conditions, this written statement required employers to specify the duration of the contract, details of pay rates and methods. An additional significant institutional innovation was the prohibition on employers' use of zero-hour contracts, by ensuring some minimum entitlement for such employees (Act 2018/13, art. 15). Finally, the Act introduced a new "banded hours" contract to reflect the hours actually worked, meaning that, after twelve months of service, those who regularly work a greater number of hours than specified in their contract are entitled to be placed into the higher band (art. 16).

While considered one of the most significant advancements in employment rights relating to working hours since the 1990s, the Employment Act 2018 provisions were less ambitious than those of the subsequent EU directive (cf. MacMahon 2019; Keane 2020). Prior to the transposition, probationary periods were governed solely by employment contracts and not subject to statutory regulation. Similarly, as summarised in Table 4, significant gaps were evident concerning rights to parallel employment, transitions to a more stable form of employment and cost-free mandatory training, as none of these provisions were established at the national level.

The 2022 Regulations transposing the EU directive on TPWC addressed these shortcomings, introducing three tangible new rights and strengthening an existing one. First, the 2022 Regulations introduced the right to parallel employment, preventing employers from "prohibit[ing] an employee from taking up employment with another employer [...] or subject[ing] an employee to adverse treatment for taking up employment with another employer, outside the work schedule" (art. 6E). Second, the right to transition to a more stable form of employment was created. Now, an employee who has completed their probationary period and has been in continuous service with an employer for at least six months, may request more predictable and secure working conditions, where available, and must receive a reasoned written reply from their employer within one month of the request (art. 6F). Third, the new Regulations introduced the right to cost-free mandatory training. Employers are now required to provide any legally mandated

or collectively agreed training free of charge and ensure that it counts as working time (art. 6G). Finally, to align with the directive, the Regulations imposed limits on probationary periods, which now cannot exceed six months, except in exceptional cases where an extension would be in the employee's interest, and even then, such a period cannot be longer than twelve months (art. 6D).

However, one of our interviewees (Interview IE - Expert) identifies at least three key issues with the Irish transposition process. First, the scope of the legislation is overly restrictive. In their view, Ireland does not fully comply with the directive because the regulation applies only to employees in traditional employment relationships[16], thereby excluding those most in need of protection. Second, rather than drafting entirely new legislation, the Irish government opted to amend the existing framework. While some provisions of the 2018 Act overlapped with those of the directive, others did not, leading to inconsistencies. The interviewee suggests that a more effective approach would have been to start afresh when transposing the directive, though this would have been more politically challenging and time-consuming. Finally, the interviewee notes a lack of awareness and enforcement, as there has been minimal litigation on the new provisions. Many workers remain unaware that the directive has been transposed or that they are entitled to new or strengthened rights.

3.2.2 Patterns of conflict

As argued above, Ireland anticipated many provisions of the directive through the Employment Miscellaneous Provisions Act 2018. This legislation was influenced by years of advocacy from

16. Excluded from the definition of classic employee: non-standard workers, including gig workers, intermediate categories of quasi-subordinate or semi-dependent workers and the self-employed. The Act excludes the following categories:
(1) This Act, other than section 3(1A), shall not apply to employment in which the employee has been in the continuous service of the employer for less than 4 consecutive weeks.
(2) Where the exclusion of a class or classes of employment from any provision of this Act is justified by objective considerations, the Minister may, after consultation with representatives of employers and of employees within that class or classes of employment, by order declare that that provision shall not apply to that class or those classes of employment and this Act shall have effect in accordance with the provisions of any such order for the time being in force.
(3) The First Schedule to the Act of 1973 shall apply for the purpose of ascertaining for the purposes of this Act the period of service of an employee and whether that service has been continuous with the following modifications and with any other necessary modifications—
(a) subject to subsection (3A), the reference to 21 hours shall be construed as a reference to 3 hours,
(b) the references to an employee shall be construed as references to an employee within the meaning of this Act.
(3A) For the purposes of paragraph (a) of subsection (3), time worked with all employers forming or belonging to the same enterprise, group or entity shall count towards the period of 3 hours referenced in that paragraph.
(4) The Minister may by order amend or revoke an order under this section, including an order under this subsection.
(5) Subsection (1) shall not apply to employment where no guaranteed amount of work that is remunerated is predetermined before the employment starts.

trade unions such as ICTU, SIPTU and Mandate, which campaigned for stronger worker protections, especially in sectors prone to precarious work, such as retail and hospitality, where unclear contracts and unpredictable work schedules remained problematic (cf. SIPTU 2015; ICTU 2019; Mandate 2019).

While the Irish government was broadly supportive of the directive, complications arose during transposition because many of its provisions had already been introduced in 2018 through domestic legislation. As noted earlier, rather than leveraging the directive as an opportunity for comprehensive reform, the government chose to make only technical amendments to existing legislation. The directive was introduced via ministerial regulation, which, although subject to parliamentary review, did not undergo the full legislative process. This raised concerns, as major changes to labour law introduced in this manner receive limited scrutiny and are drafted directly by government departments. Ireland, in general, is considered weak in its parliamentary oversight of EU transpositions, a trend reflected in this case as well (Interview IE - Expert).

In September 2021, the Department of Enterprise, Trade and Employment launched a public consultation to gather stakeholder input for the transposition of the directive.

While trade unions continued to advocate enhanced transparency in employment contracts (cf. Table 11), the views of the employers' organisations were very different. Even though they did not oppose the directive per se, IBEC stressed the necessity of transposing it without imposing additional costs or administrative burdens on employers. In their position they argued that "*it is imperative that the Department transposes the minimum requirements of the Directive in a manner that is not detrimental to an employer's need to sustain employment and remain competitive in what is becoming an increasingly overly regulated environment*" (IBEC 2021b).

The transposition process attracted relatively little public and political attention, mostly because many of its provisions had already been extensively discussed during the passage of the 2018 Act (Interview IE - Expert). The directive was ultimately transposed into Irish law by December 2022 by secondary legislation.

Trade unions welcomed the new 2022 Regulations. In their view, the legislation was robust and properly implemented. While compliance will ultimately depend on effective enforcement by labour inspectors, the unions were otherwise satisfied with the policy output (Interview IE - ICTU).

3.3 Italy

3.3.1 Policy change

The transparency and predictability of working conditions in Italy has remained largely unchanged since adoption of the legislative decree 152/1997. Prior to the transposition, workers had no statutory right to predictable working conditions. To align with the directive, the new law

stipulates that where the organisation of work is "entirely or largely unpredictable", the employer cannot force workers to perform tasks (legislative decree 102/2022, art. 9/1). Furthermore, if scheduled work is cancelled, the employer is required to compensate affected workers (art. 9/4). Additionally, workers with at least six months of seniority now have the right to request a more stable form of work where applicable (art. 10). In the event of a negative response, employers must provide a reasoned written response within one month.

To meet the requirement in the directive, a right to parallel employment was introduced. Now an employer may not prohibit the employee from carrying out other activities outside working hours, unless there is a conflict of interest or a danger to health (art. 8). Moreover, the new law established the right to cost-free mandatory training (art.11). The provision, however, does not apply to vocational training and training to obtain or maintain a professional qualification, unless the employer is required to provide it by law or under the individual or collective agreement.

Finally, the Italian government expanded regulations on probationary periods, which now may not exceed six months (art.7), a term which can be reduced by collective agreements. However, art. 11 of the directive was not transposed, even though on-demand contracts are a persisting issue in Italy. In addition, the Italian transposition of the directive excludes from its scope of application[17] self-employment and employment relationships with a predetermined and effective working time of a duration equal to or less than an average of three hours per week over a reference period of four consecutive weeks (art. 1/4).

Allamprese and Borelli (2022) add that although the transposition of the TPWCD introduced more favourable provisions for the employee, its objectives risk being undermined if adequate sanctions are not effectively implemented. According to their assessment, the Italian legislation falls short of ensuring minimum predictability of work, as it neither guarantees a minimum

17. The following are excluded from the application of decree 102/2022 (art. 1/4):

a) self-employed employment relationships referred to in Title III of Book V of the Civil Code and self-employed employment relationships referred to in Legislative Decree no. 36 of 28 February 2021, provided that they do not constitute coordinated and continuous collaboration relationships, referred to in Article 409, no. 3, of the Code of Civil Procedure;
b) employment relationships characterised by predetermined and effective working hours of a duration equal to or less than an average of three hours per week in a reference period of four consecutive weeks. The working hours provided for all employers who constitute the same company or group of companies are the average of three hours. This exclusion does not apply to employment relationships in which no guaranteed amount of paid work has been established before the start of work;
c) agency and commercial representation relationships;
d) collaboration relationships provided in the employer's company by the spouse, relatives and in-laws up to the third degree, who live with him;
e) employment relationships of public administration employees serving abroad, limited to Article 2 of Legislative Decree 26 May 1997, no. 152, as amended by this decree;
f) employment relationships of personnel referred to in Article 3 of Legislative Decree 30 March 2001, no. 165, in relation to the provisions of Chapter III of this decree.

number of paid working hours nor restricts the period of employee availability (Allamprese and Borelli 2022). Finally, while Italy had already implemented legal measures to regulate on-demand contracts in Legislative Decree No. 85/2015, the authors argue that the failure to transpose art. 11 of the directive constitutes a clear infringement of its obligations under Union law (*ibid.*).

On a more positive note, the transposition of the TPWCD into Italian law anticipated key aspects of the directive on platform workers. More specifically, one interviewee highlights two points that significantly enhance transparency and accountability at the workplace: *"in the law that implemented the TPWCD we obliged the employer to provide information on algorithmic management. This is a very important thing because in this way the information obligations concern all workers subject to algorithmic management, therefore not only platform workers. In addition, we have also provided for information rights toward trade unions, thus, the employers must also inform the trade union representatives on algorithmic management. This means that they must also provide information at a collective level. These two points I believe are really very important."* (Interview IT - National Civil Servant)

3.3.2 Patterns of conflict

The transposition of the TPWCD in Italy was carried out by the Draghi government, which had previously adopted a favourable position toward the directive at the EU level (Interview IT - National Civil Servant). The transposition process began with the Parliament adopting a delegated law – commonly referred to as the "European law" – that grants the government the authority to implement a specified list of directives. The social partners were only involved after the draft legislative decree had already been prepared. As a result, their capacity to influence the legislation was minimal, limited to addressing finer details of the proposed text (Interview IT - National Civil Servant).

"There was a meeting at the Ministry of Labour, but the decree had already been defined. So, there was no real negotiation. But then again, there hasn't been much negotiation lately. It's been a long time now since unions have really been negotiating actors at an institutional level." (Interview IT - CGIL1)

Initially, the CGIL welcomed the initiative in 2019 as a progressive step. However, they expressed concerns regarding its exclusions, liability issues and inadequate information obligations (CGIL 2019). During the implementation process, the CGIL criticised the new decree, claiming that it *"has brought the situation significantly backwards. In a time in which the use of algorithmic systems is increasingly widespread and Europe itself is moving to make transparency a cornerstone, the Italian government decides to take a step back by agreeing not to combat the opacity of the algorithm and depriving workers and their representatives of an essential tool for exercising rights"* (CGIL 2023). Additionally, the CGIL regrets the lack of protection for on-demand

contracts, arguing that the existence of such contracts remains problematic because they do not guarantee any certainty of having an income from work (Interview IT - National Civil Servant).

Similarly, the CISL put forward a series of observations on the draft decree, which were, however, not incorporated into the final policy output. The CISL welcomed the intended aim to strengthen the protections and individual rights of workers, assessing them as undoubtedly positive. However, in CISL's view, individual rights and collective rights are inseparable, and they therefore regret that Decree 104/2022 does not promote strong collective bargaining to negotiate algorithmic management (Iodice 2023). They call for activation of social dialogue, both at sectoral and company level, to develop the conditions and legal instruments to strengthen the effectiveness of collective bargaining (Iodice 2023).

On the employers' side, Confindustria questioned the added value of the new legislation, arguing that collective bargaining agreements (CBAs) are a more effective mechanism for preventing dangerous situations of under-protection, rather than a rigid increase in information rights (Confindustria 2022). Later, following 20 months of implementation, Confindustria issued a more detailed assessment of the directive's impact. They argued that the legislation *"risks creating more confusion and misunderstanding than clarity, regarding the actual protection measures applied to the relationship"* (Confindustria 2024). In addition, Confindustria criticised the lack of ministerial documentation that "*certifies, in justification of the administrative burdens that have occurred, the positive effects deriving from the revision of Legislative Decree no. 152 of 26 May 1997 in terms of reduction of disputes, reduction of irregularity investigations, etc.*" (Confindustria 2024). Therefore, Confindustria concludes that the outcomes of the legislative intervention are largely unsatisfactory (Confindustria 2024).

In brief, Italy opted for a minimal transposition approach, essentially ticking the boxes to ensure formal compliance without pursuing substantive reform.

3.4 Poland

3.4.1 Policy change

Prior to the transposition of the TPWCD, Poland exhibited significant misalignment with its provisions. There was no regulation in place to address on-demand contracts nor any legal obligations ensuring cost-free mandatory training. The employers had full freedom in determining the duration of trial periods.

The transposition of the TPWCD introduced two new rights: the right to a more stable form of employment (Art. 29 of the Labour Code) and the right to cost-free mandatory training (Art. 94 of the Labour Code). The amendment to the Labour Code made trial periods dependent on the duration of employment and on the type of work (Art. 25 of the Labour Code). The permissible maximum length of the trial period is one month for contracts of less than six months, and two

months for fixed contracts of at least six months and shorter than 12 months. Trial periods may be extended in the employment contract by no more than one month if the type of work justifies it.

Notable improvements were made regarding the provision on parallel employment, which now prevents an employer from banning an employee from simultaneously remaining in an employment relationship with another employer, or from subjecting the employee to unfavourable treatment for this reason (Art. 26 of the Labour Code). As an exception, the new legislation also allows employers to apply restrictions for objective reasons, such as health and safety, protection of trade secrets, reliability of the civil service or prevention of conflicts of interest.

Despite these steps forward, certain provisions of the TPWCD were not transposed. The Polish government did not implement the directive's requirements on minimum predictability of work, nor the limitation on the use of on-demand or similar employment contracts, claiming that such work patterns do not exist in Poland (Polish Government 2023). Similarly to the implementation of the WLBD, the government applied a restrictive personal scope to the definition of an employee. As a trade union representative aptly points out, *"In Poland, it's impossible to have unpredictable working time arrangements, at least when considering employees as defined by the Labour Code. Zero-hour contracts do not exist in Poland, and working time must be predictable. However, this regulatory framework applies exclusively to workers under employment contracts, leaving those under civil law contracts without any legal provisions governing their working hours"* (Interview PL - NSZZ). The interviewee highlights the paradox in the government's approach to implementation, noting that it aims for full compliance with the directive but lacks internal consistency. Specifically, the directive's provisions on working time predictability are applied to employees who already benefit from stable working conditions, while the most vulnerable workers – those under civil law contracts, including many in bogus self-employment and other highly flexible arrangements – are left entirely unprotected. By restricting the directive's scope to a narrow segment of the workforce, the government has failed to address the pressing issues of precarious employment and labour market segmentation (Interview PL - NSZZ).

Indeed, findings of Scheele et al. (2023) identify critical gaps in the implementation of the TPWCD with respect to platform workers in Poland. According to the authors, a major issue remains the lack of clear, specific and useful information regarding delivery riders' earnings and work schedules. Similarly, Daniluk (2023) raises doubts about the absence of enforcement mechanisms and vague legislative language. Regarding the right to parallel employment, she notes that while restrictions on additional work require objective justification, the broad discretion employers retain to impose non-competition agreements risks undermining compliance with the directive. Moreover, she adds that the lack of clear criteria for extending trial

periods creates uncertainty, thus challenging the aim of stable employment. These issues collectively hinder the directive's objectives of enhancing the transparency and predictability of working conditions.

3.4.2 Patterns of conflict

At the EU level, Poland supported the TPWCD. Its provisions were generally aligned with actions already in place in Poland, i.e. the amendment of the Labour Code aimed at eliminating the so-called first day's work syndrome, or the minimum hourly rate introduced on 1 January 2017 for persons performing work on the basis of specific civil law contracts and contracts for the provision of services, including self-employed persons.

At the national level, however, the implementation process gave rise to discussion and controversy, and the Polish government missed the transposition deadline. The TPWCD was introduced as part of a broader legislative package, including the bill on remote work and workplace safety measures. The main focus of the national actors was on remote work and safety regulations, while the provisions of the directive received barely any attention or interest (Interview PL - NSZZ).

While the trade unions, in principle, welcomed the planned changes, they raised several concerns regarding the potential complexities associated with trial period contracts and the feasibility of increased information requirements. NSZZ Solidarność criticised the amendment whereby the maximum length of the period for which a trial employment contract may be concluded would be dependent on the length of the period for which the parties intend to conclude a fixed-term contract (NSZZ, 2022b). According to the union, this would fail to achieve the intended social goals, as it allows employers to continue concluding trial period employment contracts for the maximum possible period, i.e. three months. Similarly, OPZZ raised doubts about interpretation issues and the absence of sanctions. Article 29 § 1 item 2 of the Labour Code states that it will be possible to include in the employment contract the information that "the employee determines the place of work". According to OPZZ, the adoption of the proposed solution may adversely affect occupational health and safety and employee rights, in particular in the event of an accident at work (OPZZ 2022). Furthermore, they raised doubts as to whether such a provision would introduce remote work into the Labour Code, which has been the subject of negotiations between the parties sitting on the Social Dialogue Council for many months.

Conversely, the employers' organizations supported minimal regulatory changes, to limit the administrative burden and preserve employer flexibility (Lewiatan Confederation 2022; ZPP 2022b).

Despite the unions' push for stronger worker protections, the government rejected most of their proposed amendments.

4. Transposition and implementation of the Directive on Adequate Minimum Wages

4.1 Belgium

In terms of policy fit, the Belgian situation seems paradoxical. The country has continuously expressed strong support for an EU regulation aimed at increasing wages across Europe. This reflects a long-standing self-perception by Belgium's political elites that the country is a "good pupil" of Social Europe and has high standards. More EU regulation could therefore help to raise wage levels in other countries, thus contributing to the establishment of a much-desired level playing field (Interview BE GOV-PR). With a 96% coverage rate for collective bargaining, the implementation required minimal legal change and was uncontentious. At the same time, however, the actual level of the average minimum wage is not as high as the reference threshold of 60% of the gross median wage recommended by the directive. Overall, the implementation process was used by the left-wing parties in the federal government to maintain a climate favourable to wage increases, primarily driven by the quasi-automatic indexation of price levels.

4.1.1 Policy change

Since 1968, the minimum wage in Belgium is set by collective bargaining among the social partners in the National Labour Council. These agreements are then extended to the entire private sector, giving the minimum wage a statutory nature. The current procedure, defined in a collective agreement from 1988, serves to set cross-sectoral as well as sectoral wage floors. Besides, a hundred joint committees negotiate sectoral, more favourable, minimum wages; thus, "the national minimum wage typically lags behind sectoral minimum wages in Belgium, and policymakers have been concerned about the relative decrease in the national minimum wage compared with the national median wage, which was also noted during the preparation of the EU Directive on Adequate Minimum Wages" (Vandekerckhove and Van Herreweghe 2023). There are no statutory provisions about how often negotiations between employers and unions should take place, and they can thus happen at any point in time. The public sector, though, is not covered by this framework but by regulatory provisions or laws, ultimately making the Belgian system hybrid and casting doubt on whether it should be classified as a law-based or conventional system.

In 2021, the social partners concluded a collective agreement to homogenise and progressively raise the level of the minimum wage on 1 April 2022, 2024, and 2026. It is worth stressing that, despite this highly institutionalised system, Belgium does not reach the ILO benchmark included (but only indicatively) in the EU AMWD. In May 2024, the national minimum wage was €2,070.48 per month, for all workers above 18 years. With a median gross wage of €3,728 per

month (Statbel 2024), the relative situation of Belgian wages is improving, but still only stands at 55% of the median gross wage, not meeting the 60% indicative threshold.

Against this background, the fit between Belgian law and the EU AMWD was perceived by policymakers as quite good (Interview BE - GOV.EMPL3). As the Belgian system is primarily conventional, and given its exceptionally high level of collective bargaining coverage (around 96%), the feeling was that the country was already compliant. Furthermore, Belgium retains a mechanism for periodically indexing wage levels to inflation. How to deal with the public sector, however, emerged as an issue (Interview BE - GOV.EMPL3). It turned out that the directive's provisions on statutory minimum wages (in Chapter 2) must be implemented for civil servants at all territorial levels of government. In this regard, the periodic review of the adequacy of minimum wages will help to further codify and therefore strengthen existing provisions (Interview BE CSC1).

The EU directive was eventually transposed through several acts. First, a law was passed in December 2017 which transcribes the directive's provisions to strengthen collective bargaining. An article defining the procedure to be followed if the coverage rate falls below 80% was added to existing Belgian law. Second, a Royal Decree was adopted in July 2024, which integrates the AMWD's provisions concerning statutory minimum wages into the 2005 law which regulates the setting of minimum wages for the public sector. The adequacy of minimum wages will now be reassessed every four years, taking into account: a) purchasing power, b) the growth rate of wages and salaries, c) the level of and change in productivity at national scale, and d) the indicative reference value of 50% of average gross wages and salaries. Third, the wage indexation regime had to be modified by law to bring it into line with the directive, by specifying that indexation cannot serve to decrease minimum wages.

Finally, in application of the directive's article 12, a new "right to redress and protection against adverse treatment or consequences" was enshrined in Belgian labour law. This mechanism allows a worker, for a duration of up to 12 months after termination of their contract, to lodge a complaint on the grounds of unfair treatment by the employer; it places the burden of proof on the employer, who must otherwise pay a 2–3-month wage allowance in reparation. This, from a union perspective, can be seen as a new right gained through the AMWD (Interview BE CSC1).

4.1.2 Patterns of conflict

The agreement on an EU directive aiming to raise wages clearly reflected the wish of the responsible ministries in the government to use it as momentum to increase wages, as exhibited by several interventions from the Socialist Federal Economics Minister, Pierre-Yves Dermagne (e.g. Van der Merwe 2022). Furthermore, the implementation phase of the directive occurred against the background of soaring energy prices, due notably to the invasion of Ukraine. This

triggered action by workers calling for a boost to household purchasing power, by a wage increase (FGTB 2022).

A main criticism expressed unanimously and vigorously by the social partners was that the European Commission, in the impact assessment study underpinning the proposal for a directive, classified Belgium in the group of 21 EU Member States with a statutory minimum income. The National Labour Council issued an ad hoc opinion (CNT 2021a) explaining that, while the public sector has a special regime, minimum wages in the private sector are exclusively determined by collective agreements, therefore classifying Belgium together with the six other EU countries with a system based on collective bargaining and not laws. For unions, however, this proved to be a double-edged sword (Interview BE CSC1). From the government's perspective, Belgium's classification in the group of countries with conventional systems meant that the most stringent provisions regarding the periodic revision of minimum wage levels would not have to be implemented (Interview BE GOV-PR), a position that was also welcomed by employers[18].

By contrast, the Labour Council could not issue a joint opinion on the substance of the directive due to a deep division between workers' and employers' representatives. Trade unions expressed strong support for strengthening collective bargaining and raising wages. It is interesting to note that they explicitly welcome the fact that the EU is operating here through a directive, i.e. binding law as opposed to soft law (CNT 2021b). Their only concern related to the inclusion of productivity in the list of criteria for determining the level of minimum wages. The opinion specifies:

Productivity is a concept that can be applied in this context. Will the productivity of only one type of occupation (weakly remunerated) be considered as a reference point? Or will the productivity of the economy as a whole be considered? On the one hand, it is difficult to determine the productivity of only one sector because it is the result of many factors. On the other hand, productivity at the macro-economic level depends on numerous parameters. Should poorly remunerated workers be punished with a weaker wage increase because of under-investment from employers in training and innovation?" (CNT, *Ibid.*, p. 5)

In turn, employers expressed strong opposition to the proposed directive. They deplored the "intrusive provisions" in the draft directive; they saw them as infringing Article 153.5 TFEU, which stipulates that wage-setting should remain a national competence (*Ibid*. p.7*)*. Belgian employers calculated that minimum wages needed to be increased from 9.58% and 21.86% to reach the directive's benchmark of 50% of average gross income and 60% of median gross income respectively, increases that they see as "totally disproportionate from an economic standpoint" (*Ibid*. p. 9). Four years on, as mentioned above, the combination of political pressure and multiple indexations in a context of high inflation, set Belgium on the path of minimum wage increase,

18. The unions also pointed out that in some sectors, e.g. hotels and catering, the level of the minimum wage is determined by law and not collective agreements. This is also the case for flexi-jobs.

catching up from 50% in 2018 to 55% of the median gross wage. This dynamic, however, does not seem strongly linked to implementation of the AMWD. It will therefore be interesting to see how the directive's provisions fare in the current context of a government consisting mainly of conservative and liberal parties, emphasising a return to austerity and cost competitiveness concerns. The unions hope that, in the future, the periodic review of the legal minimum wage in the public sector could help support a wage increase in the private sector as well (Interview BE CSC1).

4.2 Ireland

4.2.1 Policy change

Prior to the transposition, Ireland displayed a medium level of misfit. While these provisions exist at the national level, they did not meet the minimum EU requirements. Minimum wages were not adequate, constituting 37% of the average wage and 48% of the median wage. Collective bargaining coverage is only 34%.

Even though the AMWD has not been fully transposed, the Irish government has already taken proactive steps to align national regulation with its Article 5. Following a government announcement in November 2022, the Irish Low Pay Commission was given the mandate to issue the necessary recommendation to ensure that the national minimum wage reaches 60% of gross hourly median wages by January 2026 (Low Pay Commission 2023).

The transposition of art. 4 on collective bargaining remains more problematic. The Irish model is traditionally characterised by weak State support for collective bargaining institutions, low collective bargaining coverage, declining trade union density and judicial suspicion of collective rights (Doherty 2024). As noted in the interview with the ICTU representative, there is no legal support for collective bargaining in Ireland.

"Here industrial relations function on a voluntary basis. This means that although employees retain the right to join trade unions, employers do not have to recognise trade unions for the purposes of collective bargaining. As a result, unions cannot negotiate with employers unless the employer agrees to be part of the negotiations" (Interview IE - ICTU).

Article 4 of the AMWD provided an opportunity to strengthen the existing system. To this end, a tripartite high-level working group (HLG) was established in March 2021, tasked with developing recommendations aimed at increasing collective bargaining coverage from 34% to 80% (LEEF 2022).

Nevertheless, by the transposition deadline of 15 November 2024, no further action was taken. In fact, the government announced that Ireland was already in compliance with the provisions of the directive and no primary legislation was needed (Interview IE - Expert).

4.2.2 Patterns of conflict

Ireland was among the Member States which signed a letter stating that wage policy was a breach of subsidiarity and it was not within the EU's competences (Irish Legal News 2021). However, the position of the government shifted and the Minister for Enterprise, Trade and Employment, who signed the opposition letter, set up a high-level group to review collective bargaining in Ireland and come up with recommendations on how to transpose Article 4 in the Irish context.

In terms of sectoral level bargaining, the high-level group's report addresses the issue of the Joint Labour Committees (JLC) system not functioning in many sectors in which such Committees were established. In sectors such as retail, catering and hotels, there is employer resistance to attend the Committees, thus, sectoral orders cannot be formulated (Interview IE - Expert). The high-level group proposed that, in the event that employer representatives failed to participate in the Committees, an alternative process would be initiated, whereby the Labour Court would receive the mandate to draft and enforce an Employment Regulation Order (ERO). Additionally, the report promotes "Good Faith Engagement" between employers and workers at company level. In this scenario, employers will be obliged to engage with a trade union, but the parties have no legal obligations to reach an agreement. In the words of Doherty:, *"In most of Europe that would be seen as nothing but in Ireland we don't have that right. If you're a trade union official, I as an employer just tell you to go away. I don't want to talk to you even if 100% of my workforce is in your trade union. And that is my legal right. So, this good faith engagement process was seen as a way to ensure at least that employers do have to meet with a trade union and discuss specific issues."* (Interview IE - Expert)

The trade unions saw the directive as a window of opportunity that would provide "a European solution to an Irish problem" (Thomas 2022). From the beginning, the ICTU and its affiliates advocated in favour of a directive through active participation in the ETUC. They called for legislation that would promote collective bargaining, provide relevant penalties that encourage employers to engage in collective bargaining, protect trade union representatives from dismissal or unfair treatment and use public procurement as a lever to promote collective bargaining (ICTU 2024). Quoting the obligation that the directive imposes on the State *"to promote collective bargaining"*, the ICTU urged the Department of Enterprise, Trade and Employment to conclude the process initiated by the HLG report without further delay, by adopting primary legislation to implement the directive (ICTU 2024). The ICTU added that *"the State and all its agencies need to become advocates and enablers of collective bargaining. An all-of-government approach is needed, with a clear and consistent policy focus"* (ICTU 2024).

From the outset, employers' associations sought to weaken the proposal for a directive into a recommendation, arguing that matters of pay and collective bargaining remain the competence

of Member States and social partners (IBEC 2021c). Despite their failure to entirely shield Irish collective bargaining from decommodifying EU pressures, Maccarrone (2024) contends that the employers leveraged their institutional power to shape the contours of the national reform stemming from the directive. Once the directive was adopted at the EU level, IBEC maintained that there were few, if any, legislative changes required for the transposition of the directive (IBEC 2024). IBEC interpreted Article 4 not as mandating an 80% coverage of collective bargaining, but rather as an indicator triggering the obligation to establish an action plan. IBEC adds that "*while it is clear that Ireland will be obliged to provide for a framework and establish an action plan to promote collective bargaining, legislative change is not required for this aspect of the Directive to be transposed into Irish law"* (IBEC 2024).

According to Doherty, the position of the Irish government is even more interesting, changing from *"this [directive] is beyond the confidence of the EU"* to *"we are accepting, it's going to happen"* (Interview IE - Expert). The government set up a high-level group, which is unusual, to report back. The report was warmly welcomed by the government. As the transposition deadline approached, the Irish government and employers aligned to downplay the need for legislative changes (Interview IE - Expert). By November 15, the prevailing position was that no immediate action was required – minimum wage provisions were already in place, and the collective bargaining action plan could be deferred to the following year.

4.3 Italy

4.3.1 Policy change

Minimum wages in Italy are determined exclusively through collective agreements; the coverage rate is high, at 100%. Hence, in principle, Italy is in full compliance with the two main constraints established by the European directive, namely the absence of obligations to introduce an action plan to support collective bargaining or a statutory minimum wage.

However, the presence of a large and consolidated system of collective bargaining is not in itself a sufficient condition to achieve the objective indicated by the AMWD. In many sectors, collectively agreed wages remain low (Orlandini and Meardi 2023). The National Council of Economy and Labour (CNEL) (2023) reports that 53% of workers in the private sector (excluding agriculture and domestic work) did not benefit from wage increases negotiated in 2023. Delays in the renewal of collective agreements remain an issue, with 54% of private sector employees subject to agreements that had technically expired as of September 2023. An additional challenge remains the issue of so-called "pirate bargaining", i.e. contracts signed by parties with questionable or unknown representativeness (CNEL 2023). Although this is a marginal phenomenon in the vast majority of the private sector (excluding agriculture and domestic work) – the unions not represented at the CNEL cover 54,220 employed workers, i.e. 0.4% of the

workforce – it is a factor which seriously disrupts the industrial relations system and competition between companies, particularly for some geographical areas of the country and some production sectors (CNEL 2023, 22). Finally, the presence of forms of irregular and undeclared work means that many workers are effectively excluded from the protection of these arrangements (Müller et al. 2024).

Despite the urgent need for a national action plan to support effective collective bargaining, addressing issues of working conditions and remuneration, the Italian government deemed that no further legislation was required.

4.3.2 Patterns of conflict

The Draghi government supported the directive from its inception, seeing it as an opportunity to strengthen collective bargaining power following two decades of weakening of the labour movement in Italy (Natili and Ronchi 2023). At the same time, the European Commission's proposal for a Directive on AMW sparked renewed discussions on the possible introduction of a statutory minimum wage in Italy.

Six proposals were submitted for the setting of a statutory minimum wage: three presented by the Democratic Party, one from the Five Star Movement, one from the left and the green alliance and the final one from the Third Pole alliance (cf. Orlando A.C. 432, Laus A.C. 216, Serracchiani A.C. 210, Conte A.C. 306, Fratoianni and Mari A.C. 141, Richetti A.C. 1053). By the summer of 2023, opposition parties had consolidated their efforts into a single proposal (Conte et al. A.C 1275). However, the leader of Italia Viva opted out, arguing that *"Italia Viva had presented a different proposal from the CampoLargo and therefore in line with our electoral mandate we will propose amendments to the text, voting in favour of the points on which we agree"* (La Repubblica, 30 June 2023). The bill aimed to strengthen the right to a fair wage within a system of national collective bargaining (Conte et al A.C 1275). Moreover, it proposed the introduction of a statutory minimum wage of €9.00 gross per hour. The bill was, however, ultimately suspended. Eventually, the transition to the Meloni government marked a clear shift from engagement to dismissal (Interview IT - CGIL2), effectively halting any progress toward a statutory minimum wage.

In a similar vein, the CNEL assembly, tasked with assessing the issue, remained deeply divided. The CGIL supported the opposition's proposal on the condition that a law on representation be introduced to extend the most representative national collective agreements to all workers (La Repubblica, 6 October 2023). The CISL voiced outright opposition to a statutory minimum wage, while the UIL maintained a neutral stance. Confindustria firmly rejected the idea, with its president, Carlo Bonomi, arguing that *"the Constitution obliges us to recognize workers a fair wage and this function is entrusted to collective bargaining"* (Il Fatto Quotidiano, 15 September

2023). According to him, a statutory minimum wage would not resolve issues such as in-work poverty or contractual dumping.

CNEL ultimately released a report on the minimum wage, which effectively dismissed the possibility of introducing a statutory wage floor in Italy (CNEL 2023). The CGIL contended that CNEL's assessment downplayed the significance of establishing a legal minimum wage, asserting that *"the time has come to introduce a minimum hourly wage below which no worker can be paid: 5-6 euros per hour are starvation wages, thus, unacceptable"* (La Repubblica, 8 October 2023). Similarly, the UIL opposed the CNEL report, stating that it was biased, and its choice was "to bury [the minimum wage]" (La Repubblica, 8 October 2023).

The Labour Committee resumed its examination of bill 1275 in its session on 25 October 2023, approving a majority-backed amendment that entirely replaced its text. It granted the government the authority to enact legislative decrees to strengthen national collective bargaining. In November 2023, the Italian Parliament passed the amendment, formally entrusting the government with its implementation.

The Meloni government ultimately maintained its stance against introducing a statutory minimum wage. As for the transposition of the AMWD, it argued that no further regulatory adaptation was required because the Italian wage-setting system already ensured full compliance with Article 4. Despite the failure to implement a statutory minimum wage, trade unions continued to push for full compliance with the directive. The CGIL stressed that Italy was subject to the directive's obligations to strengthen collective bargaining, and called for a clear and expedited transposition process, with the full involvement of social partners (CGIL 2024b).

4.4 Poland

4.4.1 Policy change

In Poland, the minimum wage is set annually, pursuant to the Act of 10 October 2002 on the minimum wage. After consulting social partners, the government adjusts the amount periodically through regulations issued on 15 September of each year. Until 2016, employees in their first year of work could receive a salary below the minimum wage, but not less than 80% of the minimum wage. Starting from 2017, this regulation ceased to exist. Additionally, in 2017, a minimum hourly rate was introduced for employees and self-employed individuals working under civil-law contracts. Prior to the transposition, minimum wages amounted to 45% of the average wage and 55% of the median wage.

However, the functioning of collective bargaining in Poland remains particularly problematic. Employer-issued regulations, agreed upon with trade unions, play a significant role in labour relations. Regulations pertaining to remuneration can temporarily replace collective labour agreements (Article 772 of the Labour Code). While the issuing of such regulations requires the

consent of trade unions (if they operate within the company), formally the employer retains the power to implement them unilaterally if the trade unions have not presented a jointly agreed position (Article 30, Section 6 of the Labour Code). As Mądrzycki and Pisarczyk (2024) argue, this procedure does not meet the criteria for genuine collective bargaining.

In practice, collective bargaining in Poland remains restricted (Article 239 § 3 of the Labour Code) – with coverage rates at just 13% – and the right to strike is limited (Mądrzycki and Pisarczyk 2024). Wage bargaining takes place almost exclusively at the company level (ETUI 2024). Collective agreements are not usually negotiated in industries such as trade, culture, sports, recreation and hospitality. The primary issue is the weakness of the social partners themselves (Mądrzycki and Pisarczyk 2024). The level of unionisation is estimated at just over 10%, and their activity level is limited, especially in the private sector. Employer federations exist but often claim not to have a negotiating mandate from their members, making them reluctant to engage in collective bargaining (ETUI 2024). Additionally, Mądrzycki and Pisarczyk (2024) note the passive role of the State, not only in organising social dialogue but also in actively participating in it.

According to Florczak and Otto (2024), a structural reform of the Polish collective bargaining model is necessary to address these challenges. In their view, above all, Poland must enhance the capacity of the social partners to engage in constructive bargaining negotiations and strengthen their representativeness (Florczak and Otto 2024).

To implement the AMWD, the government presented one draft regulation on minimum wages and one draft bill on collective bargaining. The first one, on adequate minimum wages, retained the existing mechanism for setting the minimum wage. It stipulates that the minimum wage will be revised once a year or once every six months if the inflation rate exceeds 5% of GDP. In addition, the bill guarantees an annual increase in the minimum wage no lower than the forecast inflation. At the same time, if the level of the minimum wage is lower than half of the average wage, it will be increased additionally by two-thirds of the projected real GDP growth rate. As of 1 January 2025, the minimum wage increased from 4,300 to 4,666 PLN.

The bill on collective bargaining was proposed on 15 June 2024. Importantly, art. 24 proposes compulsory bargaining as a way to increase collective bargaining in Poland. Thus, *"an employer with at least one trade union organisation, employing at least 50 persons performing profitable work and that is not covered by a company collective labour agreement, shall undertake negotiations once every two years to conclude a company collective labour agreement."* In addition, the draft law introduces a mediation mechanism, i.e. if the trade union and the employer fail to reach an agreement during negotiations, an impartial third party may facilitate solutions that are beneficial to both parties. The government bill was submitted to the Sejm on 21 August 2025. At the time of writing it has not yet entered parliamentary debate.

4.4.2 Patterns of conflict

In Poland, the provisions stemming from the EU AMWD are in tune with the social consensus prevailing in the country before the European Commission put forward the legislation. In fact, the strategy of the Law and Justice (PiS) party on minimum wages was part of a broader plan to modernise the national economy. The PiS has traditionally maintained a strong alliance with the Solidarność trade union and, as Naczyk and Eihmanis (2023) point out, it has used minimum wage increases to solidify support among working-class voters. At the same time, the PiS has framed these wage hikes as beneficial for both workers and "forward-looking" businesses, presenting labour cost increases as a core element of the "Polish model of the welfare state" (Naczyk and Eihmanis 2023).

In recent decades, the setting of the minimum wage and low-paid work in Poland have been shaped by contentious political dynamics (cf. Naczyk 2022; Naczyk and Eihmanis 2023; Florczak and Otto 2024). NSZZ Solidarność, which had been proactive in putting the issue on the agenda of the European Parliament since 2002, called the AMWD the "child of solidarity" (NSZZ 2023a). At the same time, the union saw the directive as an opportunity to initiate fundamental legal changes to reverse the ongoing decline of collective bargaining in Poland (NSZZ 2023b). In 2022, NSZZ Solidarność issued an expert opinion on the State and prospects for the development of collective labour agreements in Poland. It raised several concerns regarding both the regulation on adequate minimum income and the draft law concerning collective bargaining.

Regarding the minimum wages, the Presidium of NSZZ Solidarność stated that the proposal to increase the minimum wage and the minimum hourly rate, presented by the Ministry of Family, Labour and Social Policy in the draft regulation of the Council of Ministers, was not fully satisfactory, because it does not meet the EU requirements. The Presidium thus reaffirmed its position expressed in the joint statement of representative trade union centres of 15 July 2024 (NSZZ 2024a).

However, NSZZ Solidarność criticised the draft bill on collective bargaining for failing to meet the criteria of the directive. According to the union, art. 4 applies to Poland, which means that *"it is necessary to regulate by law the procedure for adopting such an action plan and reporting to the European Commission on the progress/lack of progress in achieving the objectives set out therein [...] We also note that the draft Act lacks solutions that, in accordance with recital 16 of the preamble to the Directive, would be aimed at promoting and strengthening collective bargaining at the industry level"* (NSZZ 2024b). In its opinion, a comprehensive amendment, or even a new act, on the issue of collective disputes is needed. More specifically, the draft lacks a provision prohibiting partial termination of a collective labour agreement. In addition, the unions see the generalisation of collective labour agreements as defined in art. 27 as problematic. In order to achieve compliance with the objectives of the directive, NSZZ Solidarność proposed several amendments, including: a definition of a sectoral collective labour agreement; the promotion of

collective bargaining through public procurement mechanisms; the inclusion of bonus provisions in agreements; incentivising trade unions to conduct a modern information policy; and a provision ensuring representation in workplaces without company trade unions.

Like NSZZ Solidarność, OPZZ welcomed the Directive on AMW, viewing it as a chance for a fairer pay system and strengthening of collective bargaining in Poland. The OPZZ Council raised concerns about the delayed implementation of the directive, warning that "*the lack of appropriate national regulations exposes employees in Poland to a limitation of the right to benefit from protections provided under European law, therefore the OPZZ Council calls for an urgent acceleration of work on these drafts and improved dialogue between the government and social partners in this area*" (OPZZ 2024). The OPZZ Council strongly opposed the amended act, on the grounds that it significantly departs from the previous concept of defining the minimum wage. The union continues to advocate a single-component minimum wage, i.e. one that consists solely of the basic wage, and urges the Council of Ministers to adopt the initial solution presented by the Ministry of Family, Labour and Social Policy during social consultations.

In addition, the OPZZ Council called on the government to urgently develop an action plan to promote collective bargaining:

"We would like to remind the government that this obligation results from the provisions of the directive on adequate minimum wages in the European Union. We need strong collective bargaining – both at the company and industry level. Expanding the scope of collective bargaining will benefit everyone: reducing wage flattening, better working conditions and a fairer system of employee remuneration [...] Today in Poland collective bargaining coverage is only 13%, significantly below the EU average. That is why a good and bold action plan is needed." (OPZZ 2024)

On the employers' side, the Lewiatan Confederation appreciated several proposals for change, but stated that, in their opinion, the ministry's approach was unfortunately not groundbreaking. In their position paper, they criticised the draft bill for its narrow approach to collective agreements and lack of comprehensive recognition of wage agreements. They emphasised that *"social dialogue and the collective agreement process also take place through agreements concluded with representatives of the staff in non-unionized companies, which has not been confirmed in this draft. A broader and more honest look at the process of dialogue and concluding agreements would, in our opinion, better reflect the real picture of collective negotiations, thus improving the real assessment of the state of collective labour relations in Poland"* (Lewiatan 2023). Therefore, Lewiatan called for a comprehensive reform of the labour law, notably through the introduction of Framework Collective Agreements, combined with State-backed incentives and legal flexibility. According to the organisation, these would help increase collective agreement coverage and modernise Poland's labour relations in line with EU standards.

Unlike Lewiatan, the Federation of Polish Entrepreneurs (FPP) adopted a more defensive position. Rather than expanding collective bargaining agreements, the FPP emphasised the need to increase the flexibility of the existing system and reduce employer obligations. In particular, the FPP strongly opposed the mandatory requirement for employers to initiate collective negotiations. According to them, this was unacceptable because it transfers the responsibility for initiating dialogue from the trade unions (established for this purpose) to employers, thus burdening them with further obligations. The FPP added that *"the lack of a collective agreement in a given workplace has its reasons, and forcing employers to initiate negotiations will not result in overcoming the impasse"* (FPP 2024).

As mentioned above, the government bill was submitted to the Sejm on 21 August 2025. However, parliamentary discussions have not yet taken place at the time of writing.

5. Comparative insights

Our comparative analysis of the transposition and implementation of three EU social directives reveals that, overall, the dynamic brought about by the EPSR has only generated a modest improvement in social rights across the four countries examined, by consolidating existing rights or creating new rights. The evidence gathered supports the two hypotheses put forward relating to policy change and the role of conflict among domestic actors. In the following section, we summarise our findings and stress a few possible explanations. Further, we make recommendations to address what we see as a weakness of EU hard law in the social policy field and of the push to strengthen social rights stemming from the EPSR.

5.1 Relatively low level of ambition and impact of EU directives

Our assessment of the extent of policy change ensuing from the implementation of EU directives finds that it is limited. As Table 4 shows, a high misfit between national law and provisions included in EU directives could only be detected in 13 out of 48 sets of provisions (12 policy issues across the 4 countries). It was medium in 15 cases, and low in the remaining 20 cases. In only 11 out of 48 instances do we observe significant change, turning a high misfit into a low misfit (in green in Table 4). For all directives, we can detect a failure of implementation of EU law to make a breakthrough in domestic law and tackle a medium or high degree of misfit. This is especially striking in the case of the failure of the TPWCD to trigger change in Italy and Poland regarding on-demand work and predictable working conditions (in red).

Considering the institutional differences among welfare state models, Belgium exhibits overall a higher degree of fit with these EU initiatives. Due to its relatively strong continental corporatist

welfare model, the changes required to comply with EU law were minimal. The only notable changes concern more flexibility for carers' leave and the introduction of flexible working arrangements for parents and carers. But, as our analysis shows, there is some doubt that the practical arrangements made will significantly change the status quo on the ground. In turn, the Irish liberal model and the Italian southern model exhibit greater sensitivity to the impact of EU measures, with a significant change from high to low misfit in 5 and 4 sets of provisions respectively (and only 2 for Poland). In turn, we also observe strong resistance and absence of change, especially regarding the provisions of the WLBD in Ireland and Italy, and a persisting high level of misfit concerning predictable working conditions in Italy and Poland. No improvements in collective bargaining in Ireland and Poland can be observed as a result of the AMWD.

We can conclude that, apart from Member States with a relatively robust social system, the impact of EU law may be tangible, but is by no means automatic. Inertia may also be the result of poor transposition and implementation. This lends support to our second hypothesis, namely that patterns of conflict, and the role of domestic political and social actors as facilitators or points of resistance, are key to explaining the dynamics of change, regardless of the institutional model of the welfare state.

Table 4. Level of misfit before and after the transposition of the directive*

Provisions of the directive	Belgium		Ireland		Italy		Poland	
	ex ante	ex post	ex ante	ex post	ex ante	ex post	ex ante	ex post
WORK-LIFE BALANCE								
Paternity leave	low	low	**medium**	**medium**	medium	low	low	low
Parental leave	low	low	**medium**	**medium**	**medium**	**medium**	medium	low
Carers' leave	medium	low	**high**	**low**	low	low	**high**	**low**
FWAs	medium	low	**high**	**low**	**medium**	**medium**	medium	low
TRANSPARENT AND PREDICTABLE WORKING CONDITIONS								
Probationary period	low	low	medium	low	medium	low	medium	low
Parallel employment	low (sectoral level)	low	**high**	**low**	**high**	**low**	medium	low
Predictability of work	low	low	low	low	**high**	**low**	**high**	**high**
On-demand work	low (sectoral level)	low	low	low	**high**	**high**	**high**	**high**

Provisions of the directive	Belgium		Ireland		Italy		Poland	
	ex ante	ex post	ex ante	ex post	ex ante	ex post	ex ante	ex post
Stable form of employment	low (sectoral level)	low	**high**	**low**	**high**	**low**	**high**	**low**
Cost-free training	low (sectoral level)	low	**high**	**low**	**high**	**low**	**high**	**low**
ADEQUATE MINIMUM WAGES								
Adequate minimum wages	low	low	medium	low	n.a.	n.a.	medium	low
Collective bargaining	low	low	**medium**	**medium**	low	low	**medium**	**medium**

Source: authors' elaboration

Note* Level of misfit: 'low' – in alignment with the EU standards or only minor changes required; 'medium' – provisions exist but are below the minimum standards; 'high' – no provision at the national level.

Table 5. Position of actors: transposition phase

MS	Directive	Government	Parliament	Trade Unions	Employers' Organisations
BE	AMW	Supportive	Not proactive	Facilitating change	Resisting change
	TPWC	Minimal transposition	Supportive	Facilitating change	Resisting change
	WLB	Supportive	Not proactive	Facilitating change	Resisting change
IE	AMW	Favoured a recommendation	Not proactive	Facilitating change	Resisting change
	TPWC	Minimal transposition	Not proactive	Facilitating change	Resisting change
	WLB	Minimal transposition	Supported expanded provisions	Facilitating change	Resisting change
IT	AMW	Against	Divided	Divided	Resisting change
	TPWC	Minimal transposition	Not proactive	Facilitating change	Resisting change
	WLB	Minimal transposition	Not proactive	Facilitating change	Resisting change
PL	AMW	Supportive	The bill has not been sent to the parliament yet.	Facilitating change	Divided
	TPWC	Minimal transposition	Not proactive	Facilitating change	Resisting change
	WLB	Minimal transposition	Not proactive	Facilitating change	Resisting change

Source: authors' elaboration

5.2 The traditional labour-capital, left-right cleavage is alive and kicking

A main finding of this study is that classical labour-capital divisions remain fundamental in shaping national reception of EU social policy directives. As summed up in Table 5, employer associations and trade unions consistently positioned themselves on opposite sides of the debate. Country case studies show that the relative strength of corporatist institutions, the existence of highly institutionalised procedures of concertation, and the capacity of trade unions to influence the transposition process are the most salient aspects of welfare models shaping this process. This said, the capacity of unions to achieve an improvement of workers' rights is contingent not only on their power within the national industrial relations systems but also (critically) on their alliances within the political and institutional landscape. The most transformative change occurs when unions are strong, governments are supportive and administrative capacity is robust (e.g. Belgium). Important customisation and symbolic compliance prevail in high misfit and low-capacity contexts (e.g. Poland). A key finding is that the political views of the parties in government is a strong predictor of the extent to which EU law can be used as a springboard for genuine improvement of rights, or whether implementation will be kept to a minimum, sometimes at the borderline of legal conformity. In Belgium, employers vigorously resist what they call "gold plating", namely a maximalist interpretation of EU law allowing for rising national standards. In this regard, the ministers in charge (typically the Federal Minister for Economics and Labour) tend to act as brokers, proving more or less supportive of demands for more rights, mostly depending on their party affiliation. In Italy and Poland, conservative and/or nationalist governments have pursued minimal, borderline-compliant transposition, precluding progressive change.

The Irish and Italian cases suggest institutional inertia and path-dependence; however, these do not fully account for the differences in implementation. Instead, political coalitions (e.g. transposition of the AMWD in Ireland and Italy) and administrative capacity (e.g. implementation of the WLBD and TPWCD in Ireland, implementation of the WLBD in Italy) appear more consequential. The Polish government resisted EU-level interference and saw directives such as the WLBD as a sovereignty issue. In addition, there was a lack of interest from unions. Conversely, the transposition of the AMWD sparked a lot of political interest and the Polish government saw it as an opportunity to strengthen the existing system. Overall, the WLBD faced less resistance, often framed as family policy. The TPWCD and AMWD were more contested, especially raising issues of costs, labour flexibility and sovereignty, and there was greater divergence in implementation.

5.3 A tangible danger that rights exist only on paper

Even when transposition and implementation result in formal compliance, workers frequently lack awareness of their rights. The absence of information campaigns, bureaucratic obstacles

and poor or lacking financial underpinning of rights (e.g. low pay during parental leave) make the take-up of certain rights unlikely or even undesirable by fathers (e.g. Ireland, Italy, Poland). As a consequence, the practical impact of the EU directives can be severely limited. Second, weak or selective implementation at national level undermines their effectiveness. Despite formal implementation, progress on the ground will depend on the political and administrative willingness to provide workers and their representatives with the necessary tools to make the use of rights effective. Examples of this are the marginal impact of the TPWCD on working conditions for people employed on zero-hour contracts in Italy and Poland, or the failure of the AMWD to grant Irish unions a right to be heard in discussion fora with mandatory employer participation.

The danger that EU law only exists on paper has received scholarly and political attention over the past few years, especially in the social domain. The adoption of an Enforcement Directive on Posting in 2014 and the creation of the European Labour Agency reflect this awareness. Our study echoes Countouris' (2024) argument that the EPSR implies challenges in terms of "policy delivery", which require a strengthening of the multilevel "enforcement ecosystem" for social rights.

5.4 The dilemma between subsidiarity and inequality in hard law

The findings above ultimately raise the question of what constitutes a legitimate interpretation of EU law in national arenas. What may be useful tailoring of EU provisions for some, may look like an implementation gap to others. Thus, there is a broader dilemma when it comes to the effectiveness of hard law in enhancing social rights for all workers across Europe. The less constraining the provisions of EU law, the more flexibility Member States are granted to specify the terms in their own legal order. While this means more flexibility, in line with the principle of subsidiarity, it also implies greater differentiation of rights across the continent.

Arguably, there is a reverse correlation between the contentiousness of a directive and the strength of its provisions. Provisions with greater legal impact in these proposed directives proved contentious at the decision-making and adoption phase. Their adoption inevitably depended on compromises which led the legislator to undermine, or simply remove, their key legal devices. Examples are the absence of agreement on a European definition of "worker" (TPWCD), the failure to introduce a mandatory remuneration for carers' leave (WLBD), and the failure to create a mandatory threshold for the minimum wage (i.e. 60% of the median wage) (AMWD). A similar effect of the "EU compromise machine" can be seen in a further directive, namely the proposal on improving working conditions in platform work, put forward in 2021 and adopted in 2024 (Crespy et al. 2025).

The current flexibility granted in implementation suggests a high formal fit but low substantive fit, and results in uneven protection of workers across Member States. For example, while labour markets in Ireland and Poland are highly dualised, the new rights under the TPWCD are only granted to well-protected insiders. This is in line with existing research suggesting that

implementation of EU law in the social domain can drive divergence instead of convergence (de la Porte et al. 2023). This leeway for national decisionmakers, while necessary or even desirable politically, raises issues as to equality among Europeans, and questions the very meaning of giving substance to EU-wide citizenship by granting social rights at EU level.

Conclusion and Recommendations

In tune with Europeanisation studies in the social policy field, this study finds that domestic systems and actors act as very powerful filters. While this is logically the case for soft law and hybrid processes such as the European Semester, we show that it is also the case for the implementation of EU hard law in the Member States. Far from being a straightforward process, transposition, first, and implementation and enforcement, secondly, imply interpreting, tailoring and translating directives into national legal orders and, more broadly, into institutions and practices. In this regard, the devil does not only lie in the detail. Since the most impactful provisions of draft directives are likely to be the more contentious ones, EU negotiations often produce compromises that deliberately leave considerable leeway for national legislators and social partners to (re)define core provisions, including levels of remuneration, definitions touching upon the scope of application, or applicable procedures, etc. This built-in ambiguity travels to the national level, where it interacts with domestic politics and institutional capacity. This filtering process takes the form of a complex dialectic between institutions and politics. Implementation thus frequently becomes a second round of contestation, in which national actors may “water down” provisions further, rather than expand them.

Based on a classic comparative analysis across very diverse EU countries, we conclude that not all aspects in the established typology of welfare states in Europe matter. We identify essentially the institutional and political weight of trade unions as the key variables shaping the direction of implementation. Above all, we put forward clear evidence that the nature and ideological platform of the parties in government are crucial to determining whether EU law is leveraged to achieve an actual extension of social rights on the ground. Although to a lesser extent administrative capacity deserves to be underlined for playing a role in shaping the implementation outcome. As shown in the empirical section, limited resources, weak enforcement mechanisms and/ or fragmented administration frequently result in rights remaining ineffective on the ground. Strong administration can ensure that EU rights translated into tangible improvements for citizens.

The EPSR and its Action Plan were adopted in a period of social rights expansion triggered partly by the detrimental social impact of the 2010-2020 decade of austeritarianism, partly by the light shed by the Covid-19 pandemic on many social issues common to European societies. A conjunction of geopolitical and electoral events relegated social policy issues to the bottom of

the EU agenda, threatening to provoke a new subjection of social rights to the "necessities" of competitiveness and security. As we show, the crucial political winds are no longer favourable, either in the EU institutions, or in many Member States. In that sense, it remains to be seen whether the EPSR can sweeten the "marble cake" (Ferrera et al. 2023) of European social rights for citizens and workers. The legal resources have undeniably been extended, yet the cake is still in the oven, we argue. More attention is now paid to instrumental and enforcement resources than ever before, yet they remain piecemeal and fragile. Perhaps it is now time for progressive politics to make headway in effective enforcement and administrative cooperation, to guarantee that those rights already enshrined in law are effective. This said, the CJEU is bound to remain an important friend or foe. The judgement on the annulment of the AMWD, expected for September 2025, will give an important indication as to whether the winds of social backlash are blowing in Luxembourg as well.

Recommendations

Over the past few years, concrete steps have been taken to ensure the effectiveness of EU law. The 2023 "Stocktaking report on the Commission working methods for monitoring the application of EU law" (SWD (2023)254) is certainly a step in this direction. Against this background, we argue that the enforcement of social rights merits specific attention and procedures, essentially because they can be easily ignored or eroded in a context of asymmetrical power relations between employers and workers, finance and labour ministries, competitiveness and social protection. Several routes could be followed simultaneously to prevent rights being ineffective on the ground.

Evidence about the effectiveness of rights on the ground across 27 countries.

- A first step is to ensure that situations where rights are ineffective are known and reported. By *ineffectiveness* we refer to cases where rights exist on paper but fail to produce meaningful impact on the ground. As discussed in the empirical section, this can result from weak enforcement, limited awareness, administrative barriers and/ or domestic political resistance.
- Trade union research institutes and/or research departments at both national and EU levels could conduct systematic and concerted analysis of the enforcement of the rights introduced under the EPSR.

Keeping the enforcement of social rights on the agenda. The existence of such data could tap into more politically oriented action to address the revealed gaps in enforcement.

- The European Economic and Social Committee could be granted such a role in monitoring the effectiveness of social rights. With members in the groups of Employers, Workers and other activities being close to local and sectoral realities, the EESC seems well placed to build on existing evidence and put together a yearly Report on the Effectiveness of Social Rights. This could be endorsed by the European Parliament (e.g. through an own initiative report) and delivered at the Tripartite Social Summit, the EU Social Forum, and other relevant fora.

- The purpose of keeping the issue on the political agenda should be to stimulate debate and compromise among political and social actors about where to draw the line between undesirable "one size fits all" in a diverse landscape of social policy institutions, and the principle of equality among all Europeans, regardless of where they were born or live.

Strategic litigation concerning the effectiveness of EU law. Better regulation.

- Trade unions and other social stakeholders could be further encouraged to use strategic litigation to contest uncompliant transposition and implementation of EU labour law. Special attention could be granted to whether the existing provisions exhibit an *effet utile*, i.e. whether they help achieve the aim pursued by the legislator.
- If the absence of effectiveness is not a result of failing transposition at national level, attention should be paid to the quality and specificity of EU law at the adoption stage. Ultimately, we argue that assessment of the *effet utile* should be a full component of the EU's better regulation agenda.

Strengthening the administrative basis for effective enforcement of EU law in the social policy field. While the judicial route should only be considered as a last resort, the effectiveness of social rights can be best guaranteed by effective multi-level administrative cooperation.

- Consideration should be given to proposals made by EU labour law scholars to strengthen provisions in EU law regarding administrative cooperation and capacity.
- These can include a possible Horizontal Enforcement Directive harmonising existing enforcement devices and adapting them to labour law, or expansion of the mandate of the European Labour Agency to matters beyond the strict realm of cross-border issues ensuing from free movement.

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Interview IT - National Civil Servant, Italy. Teams, 9 December 2024.

Poland

Interview PL - NSZZ, Legal Advisor NSZZ Solidarność. Teams, 10 February 2025.

Appendices

Table 6. Parties and social partners' positions on key provisions (WLBD) – Ireland

Government's proposal	ICTU	IBEC	Opposition parties	Adopted
An employee who wishes to request the changes referred to in subsection (1) or (2) shall do so as soon as reasonably practicable but not later than 6 weeks before the proposed commencement of the set period concerned.	Six months continuous employment before an employee can commence a flexible working arrangement is an unnecessary clause and a minimalist interpretation of the Directive.	6-month service requirement is the absolute minimum that is necessary before a request can be submitted.	Reduce the eligibility criterion of being in employment for six months to one week, because this criterion would prevent lone parents from taking up employment and therefore directly contribute to the ongoing high rate of poverty.	A request for a flexible working arrangement referred to in subsection (1) shall be submitted to the employer as soon as reasonably practicable but ***not later than 8 weeks before the proposed commencement*** of the flexible working arrangement.
An employer who receives a request made in accordance with subsection (5) shall consider that request, having regard to his or her needs and the employee's needs, and shall respond as soon as reasonably practicable but not later than 4 weeks after such receipt. The 4-week period to notify a decision referred to in subsection (6) may be extended by a further 8 weeks.	Parents and carers will need reassurance that any working arrangements agreed with an employer will not be subject to onerous time-limits or require renegotiation after short intervals. Moreover, the scheme is silent on the grounds for refusal.	Employers must have 12 weeks, from the date of receipt of request, to respond. This response must not be subject to employee agreement.	The Bill gives employers an ill-defined and ambiguous reason to deny flexible working arrangements because of any "other relevant matters"'. The opposition parties call for the removal of any such clause.	An employer who receives a request for a flexible working arrangement submitted in accordance with section 13B(6) shall respond as soon as reasonably practicable but, subject to subsection (2), not later than 4 weeks after receipt of the request Where an employer is having difficulty assessing the viability of the request for a flexible working arrangement, the employer may extend the 4 week period referred to in subsection (1) by a further period not exceeding 8 weeks.
Parents of children up to the age of 12 have the right to request flexible working arrangements.	-	Transposing a requirement in excess of the minimum requirements of the Directive will give rise to an unnecessary and avoidable additional cost for employers: a right for parents of children up to the age of 8 years.	Increase the child's age to 18 years old, 12 seems an arbitrary limit.	Not later than the day on which the child concerned has attained the age of 12 years.
When an employee takes or intends to take leave for medical care purposes, he or she	Such leave should be paid	4 weeks' notice should be required before the leave can be taken	Such leave should be paid.	When an employee takes or intends to take leave under this section, he or she shall, as soon as reasonably

Government's proposal	ICTU	IBEC	Opposition parties	Adopted
shall, as soon as reasonably practicable, give his or her employer written confirmation that he/she intends to take such leave.		And at least 6 months continuous service is required.		practicable, confirm in the prescribed form to his or her employer, that he or she has taken or intends to take, as the case may be, such leave.
Extend the period of calculable breastfeeding (for entitlement to time off from work or a reduction of working hours for breastfeeding set out under section 15B of the Act) from 26 weeks post confinement to 104 weeks post confinement.	-	Increasing the paid entitlements to 52 weeks in the first instance is a more reasonable and balanced approach. Any extension beyond 52 weeks from the date of confinement should be unpaid.	Supported the extension.	"Employee who is breastfeeding" means at any time an employee whose date of confinement was not more than one hundred and four weeks earlier, who is breastfeeding and who has informed her employer of her condition.
Domestic violence leave: 5 paid days each 12 consecutive months. Employers should retain the right to request reasonable proof.	Clear workplace polices and a range of support, including paid leave and safety planning, can help employers fulfil their workplace safety obligations and manage risk.	Requirement of proof, sharing of information.	Domestic violence leave 10 paid days each 12 consecutive months. Against requirement for proof requested by IBEC.	5 days in any period of 12 consecutive months. No proof required.

Source: authors' elaboration based on General Scheme of a Work Life Balance and Miscellaneous Provisions Bill 2022; IBEC submission to the Joint Oireachtas Committee on Children, Equality, Disability, Integration and Youth: General Scheme of a Work Life Balance and Miscellaneous Provisions Bill 2022; Congress Submission to Oireachtas Joint Committee on Children, Equality, Disability, Integration and Youth on the provisions of the General Scheme of a Work Life Balance and Miscellaneous Provisions Bill 2022; Work Life Balance and Miscellaneous Provisions Bill 2022

Table 7. Parties and social partners' positions on key provisions (WLBD) – Italy

Government's proposal*	Trade unions	Opposition parties	Adopted
Letter h), amending article 32, paragraph 1, letter c), **increases from 10 to 11 months the period of parental leave that can be taken in the first 12 years** of a child's life in the presence of only one parent; Letter (i) makes the following amendments to Article 34: l), replacing paragraph 1, states that for the periods of parental leave referred to in Article 32 (10 months of leave in total, **with a ceiling of 6 months for each parent**), up to the twelfth year of the child's life, **each working parent is entitled to three months of non-transferable leave, an allowance equal to 30% of the salary** (currently it is provided for 6 months in total, or considering the leave of each parent, and only up to the 6th year of the child's life). **One of the parents is also entitled to a further period of leave of a total duration of three months, for which they are entitled to an allowance equal to 30% of the salary.**	Goes in the right direction, but completely insufficient, because paternity leave remains weak compared to mandatory maternity leave. Unions support **increasing paternity leave to the same duration as maternity leave**, as crucial to achieve the goal of equal sharing of family responsibilities and care work.	Fear that the regulation may entail burdens that are difficult for small and medium-sized enterprises to sustain, and therefore suggest a reference to support them (*FIBP-UDC*)	For the periods of parental leave referred to in Article 32, **up to the child's twelfth birthday, each working parent shall be entitled to three months non-transferable leave, with an allowance equal to 30% of their salary.** Parents shall also be entitled, alternatively, to **a further period of leave of a total duration of three months, for which they shall be entitled to an allowance equal to 30% of their salary.**
Article 4 letter b), replacing paragraph 3- *bis* of article 18, states that public and private employers who enter into **FWAs are required in any case to give priority to requests for FWAs from workers with children up to 12 years of age, or without any age limit in the case of children with disabilities pursuant to article 3, paragraph 3, of the aforementioned law no. 104.** The same priority is given by the employer to requests from workers who are *caregivers* pursuant to article 1, paragraph 255, of law no. 205 of 2017. A worker who asks for flexible arrangements cannot be sanctioned, demoted, fired, transferred or made subject to other organisational measures having negative effects, direct or indirect, on working conditions. Any measure taken in violation of the preceding provision shall be considered retaliatory or discriminatory and, therefore, void.	Requested paid leave that can be used **at least up to the age of 14 (hoping however to raise it to 16),** in order to avoid the possibility of parents incurring the crime of abandoning a minor. This age group is the most affected by the negative effects, including the psychological and neuropsychiatric impact, of the pandemic. Called for an increase in compensation **from 30% to 50% of the salary**. Such an increase would encourage working fathers to take leave, and therefore promote	Fear that the regulation may entail burdens that are difficult for small and medium-sized enterprises to sustain, and therefore suggest a reference to support them (*FIBP-UDC*)	Article 18: 1) paragraph 3-bis is replaced by the following: «3-bis. Public and private employers who enter into FWAs are required in any case to **give priority to requests made by workers with children up to twelve years of age or without any age limit in the case of children with disabilities pursuant to Article 3, paragraph 3, of Law No. 104 of 5 February 1992.** The same priority is given by the employer to requests from workers with certified severe disabilities pursuant to Article 4 , paragraph 1, of Law No. 104 of 5 February 1992 or who are caregivers pursuant to Article 1, paragraph 255, of Law No. 205 of 27 December 2017. A worker who requests FWAs cannot be sanctioned, demoted, fired, transferred or made subject to other organisational measures having direct or indirect negative effects on working conditions. Any measure adopted in violation of the

Government's proposal*	Trade unions	Opposition parties	Adopted
	greater balance of parental responsibility between mothers and fathers.		previous provision is to be considered retaliatory or discriminatory and, therefore, null".

Source: authors' elaboration on Atto del governo n. 378, 1 aprile 2022, sottoposto a parere parlamentare: Schema di decreto legislativo recante attuazione della direttiva (UE) 2019/1158 relativa all'equilibrio tra attività professionale e vita familiare per i genitori e i prestatori di assistenza e che abroga la direttiva 2010/18/UE; Legislatura 18ª - 11ª Commissione permanente - Resoconto sommario n. 322 del 17/05/2022; Cgil, meno retorica e 6 mesi di congedo paritario obbligatorio; CISL, Armonizzazione tempi di vita e tempi di lavoro: le novità introdotte dal D.lgs. n. 105/2022; Decreto legislativo 30 giugno 2022, n. 105

Note: * the Bill was proposed by the Draghi government coalition (M5S, Lega, PD, FI, IV, Art.1).

Table 8. Parties and social partners' positions on key provisions (WLBD) – Poland

Provisions	Trade unions	Employers' organisations	Opposition parties	Adopted
Paternity leave	-	-	-	Art. 182. § 1. Paternity leave is granted as up to 2 weeks of non-transferable leave, but no longer than until: 1) the child reaches 12 months of age or 2) 12 months have passed since the date on which the decision on the adoption of the child becomes final and no later than when the child reaches 14 years of age.
Parental leave	Efforts should be made to ensure that the so-called non-transferable part of parental leave (9 weeks), in the absence of the other parent (e.g. in the event of death or failure to identify the parent), can be used by the remaining parent.	-	Raise the benefit from 70% to 81.5% to facilitate the taking of parental leave by both parents. A second parent should be entitled to 9 weeks of leave, not necessarily the father.	Art. 182. § 4. Each of the employees - parents of the child is exclusively entitled to 9 weeks of parental leave, from the amount of leave specified in § 1 and 2. This right cannot be transferred to the other employee - parent of the child.
FWAs	Art. 9 paragraph 1 of Directive 2019/1158 states that carers have the right to FWAs, however the Labour Code has restricted it only to parents.	We are concerned that the deadline for applying for flexible work is too short and may cause organisational problems for employers. We propose to extend the deadline to 1 month before the planned start of the FWAs and to add the following criterion to the circumstances justifying rejection of the application: "employer's operational resources and capabilities".	All carers should have a right to flexible work arrangements, regardless of the age of the disabled dependent person.	Art. 188. § 1. An employee raising a child, until the child reaches the age of 8, may apply in paper or electronically for FWAs. The application shall be submitted no less than 21 days before the planned commencement of the use of flexible work arrangements. § 2. Flexible work arrangements referred to in § 1 shall be deemed to include remote work, the working time system referred to in Article 139, Article 143 and Article 144, the working time

Provisions	Trade unions	Employers' organisations	Opposition parties	Adopted
				schedules referred to in Article 140 or Article 142, and a reduction inworking hours. § 4. The employer shall consider the application, taking into account the employee's needs, including the date and reason for the need to use FWAs, as well as the employer's needs and possibilities/ § 5. The employer shall inform the employee in paper or electronically of acceptance of the application or of the reason for refusing the application, or shall give another possible date for the application of FWAs than the one indicated in the application, within 7 days of receiving the application.
Carers' leave	Considering the purpose of care leave, the scope of persons listed in the proposed art. 1731 § 2 of the Labour Code should be expanded. According to the government's proposal, "a family member is considered to be a son, daughter, mother, father or spouse". However, it seems that due to family and care ties, this indication is insufficient. We therefore propose that the scope should additionally include siblings, all ascendants and descendants, as	The definition of carers may not correspond to the actual needs, because it does not include, for example, grandparents and adopted children. If this leave is to be paid in any way, it should not cause additional costs for the employer and should be financed, for example, from the State budget.	During the care leave, the employee retains the right to remuneration. Such care leave will not fulfil its functions and will remain only a record on paper if there is no right to remuneration. § 2, expanding the list of people who are entitled to this care leave to include ascendants and descendants up to the second degree of the spouse and relatives up to the second degree of kinship. This will therefore include grandparents and siblings, among others.	Art. 173. § 1. During a calendar year, an employee is entitled to 5 days of care leave, to provide personal care or support to a person who is a family member or lives in the same household and who requires care or support for serious medical reasons. § 2. A "family member" referred to in § 1 is a son, daughter, mother, father or spouse.

Provisions	Trade unions	Employers' organisations	Opposition parties	Adopted
	well as guardians of adopted children. The unpaid nature of care leave will discourage employees from using this entitlement. If they need to provide personal care for a family member, employees will, in order not to lose income, first take sick leave and vacation leave, and carers' leave will be their last resort. Therefore, employees taking care leave should be granted **the right to remuneration** or the right to cash benefits from social insurance in the event of illness or maternity.			
Leave due to force majeure	Should be **fully paid**.	Directive 2019/1158 does not create an obligation to pay in the case of leave due to force majeure. The introduction of such a payment will increase business costs. If this leave were to be paid, it should not cause extra costs for the employer, but should be paid from the state budget.	-	Art. 148. § 1. During a calendar year, an employee is entitled to 2 days or 16 hours leave from work, due to force majeure in urgent family matters caused by illness or accident, if the employee's immediate presence is necessary. During this period, the employee retains the right to remuneration amounting to half their salary.

Source: authors' elaboration based on Decyzja Prezydium KK nr 32/22 ws. opinii o rządowym projekcie ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118); Ogólnopolskie Porozumienie Związków Zawodowych do projektu ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118), Warszawa, dnia 21 marca 2022 roku; Związek Przedsiębiorców i Pracodawców – Uwagi do *projektu ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118)*; Zapis przebiegu posiedzenia 06-02-2023; Dz. U. 2023 poz. 641 USTAWA z dnia 9 marca 2023 r. o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw

Table 9. Parties and social partners' positions on key provisions (TPWCD) – Ireland*

Provisions	ICTU	IBEC	Adopted
Probationary period	Provision should be made for a maximum probationary period of no longer than 6 months. Probationary periods should only be allowed in open-ended contracts and we do not believe that probationary periods would be appropriate or justified in the case of fixed-term contracts. Where a contract of employment is terminated before or at the end of a probationary period, the employee concerned should be provided with a written statement confirming why the contract of employment has been terminated.	It is essential that the probationary period is, therefore, no shorter than 6 months, as anything shorter than 6 months would be seriously detrimental to the interests of both parties. Ibec respectfully submits that it is absolutely essential that the Department legislates for a probationary period to be extended beyond 6 months, ensuring that an employer has the discretion to do so, up to a maximum of 11 months.	Where an employee has entered into a contract of employment with an employer which provides for a probationary period, this period shall not exceed 6 months. (2) The probationary period of a public servant shall not exceed 12 months... and it would be in the interest of the employee.
Minimum predictability of work	It is imperative that a worker is given as much certainty as possible about required availability for work.	It is imperative that an employer's ability to manage and roster staff in line with business demands and the needs of customers/service users is respected. Decisions regarding work organisation and working time arrangements should, therefore, be taken at local enterprise level and it is inappropriate for the EU to legislate in this regard.	If the work pattern of an employee is entirely or mostly unpredictable, the statement shall inform the employee of - (i) the principle that the work schedule is variable, the number of guaranteed paid hours and the remuneration for work performed in addition to those guaranteed hours, (ii) the reference hours and days within which the employee may be required to work, and (iii) the minimum notice period to which the employee is entitled to before the start of a work assignment and, where applicable, the deadline for notification.
Parallel employment	A worker should be free to take up work with another employer without adverse consequences when the work falls outside the hours specified in a Statement of Conditions of Employment.	Given the implied duties of fidelity and loyalty and trust and confidence and the need for employers to protect their legitimate proprietary interests, it is absolutely essential that an employer can prohibit employees from working for another employer in various circumstances. It is vital that an employer can restrict an employee from working, or being engaged in another employment, including those in competition or similar to the employer, for a number of reasons	An employer shall not – (a) prohibit an employee from taking up employment with another employer, outside the work schedule established with the first named employer, or (b) subject an employee to adverse treatment for taking up employment with another employer, outside the work schedule established with the first named employer. An

Provisions	ICTU	IBEC	Adopted
		including, but in no way limited, to protecting confidential and commercial information, avoiding conflicts of interest, protecting commercially sensitive information, ensuring compliance with employment and health and safety legislation, ensuring non-solicitation of customers and colleagues, avoiding reputational damage, ensuring competitive advantage or simply where, in the company's opinion, it would prejudice the employee's ability to act at all times in the company's best interests.	employer may restrict an employee from taking up employment with another employer, outside the work schedule established with the first named employer, where such restriction (in this section referred to as an 'incompatibility restriction') is proportionate and is based on objective grounds.
Stable form of employment	-	There is no legal requirement, nor should there be any, to provide an employee who has 6 months service with a different form of employment with more predictable and secure working conditions, or to provide an employee with a written "reasoned" refusal for requesting the same. Ibec submits that where a role becomes available, should an employee meet the criteria to apply, in line with company policy, employees who have completed their probationary period may apply in the normal manner.	An employee who has been in the continuous service of an employer for not less than 6 months and who has completed his or her probationary period, if any, may request a form of employment with more predictable and secure working conditions where available and receive a reasoned written reply from his or her employer.
Mandatory training	All new, transferred or promoted employees should receive induction and training cost-free, as it directly relates to carrying out the tasks and activities of their roles. This excludes educational qualifications and training required / outlined in job requirements.	It is imperative that the transposition of this Article be subject to the requirement of reasonableness, given the disproportionate cost and administrative burden on employers in facilitating such training. It must be a requirement that such training is required by law, e.g. health and safety training, and that it is essential to the performance of the employee's role, as determined by an employer. It must be recognised that it is not always feasible for such training to take place during working time, given the difficulties in replacing key skills, at what can be short notice, where there may be no available employees to whom duties can be reallocated during the period of training.	Where an employer is required by law or by a collective agreement to provide training to an employee to carry out the work for which he or she is employed, such training shall - (a) be provided to the employee free of cost, (b) count as working time, and (c) where possible, take place during working hours.

Source: authors' elaboration based on IBEC submission to the Department of Enterprise, Trade and Employment on the transposition of Directive EU 2019/1152 on transparent and predictable working conditions in the European Union 22 October 2021; ICTU 2022 Public Consultation on the transposition of EU Directive 2019/1152 on transparent and predictable working conditions; Statutory Instruments No. 686 of 2022 European Union (Transparent and Predictable Working Conditions) Regulations 2022.

Note: *Opposition parties are not included because the transposition process was just a formality, via government regulation. The debate on this issue happened between 2017-2018, when Ireland adopted the Employment Miscellaneous Provisions Act 2018.

Table 10. Parties and trade unions' positions on key provisions (TPWCD) – Italy*

Provisions	Trade Unions	Adopted
Probationary period	-	Art. 7. In cases where a probationary period is foreseen, this cannot exceed six months, except for the shorter duration provided for by the provisions of collective agreements.
Minimum predictability of work	The provisions on the minimum predictability of work may in some cases overlap with the rules in CBA that widely regulate both working hours and any additional hours, even for temporary employment relationships. These rules do not seem to be properly applicable to the collaborations referred to in art. 409 of the Italian Code of Civil Procedure which, as self-employed relationships, do not establish working hours or when the work should take place. Flexibility of work must be safeguarded, so working hours and their timeframe cannot always be predetermined.	Art. 9. If, with reference to the type of employment relationship, the organisation of the work is entirely or largely unpredictable, the employer cannot force the worker to carry out the work activity, unless both of the following conditions apply: a) the work is carried out within predetermined reference hours and days pursuant to article 1, paragraph 1, letter p), number 2), of Legislative Decree 26 May 1997, no. 152 , as amended by this decree; b) the worker is informed by his employer about the task or service to be performed, with the reasonable notice period referred to in article 1, paragraph 1, letter p), number 3) of the legislative decree of 26 May 1997, no. 152.
Parallel employment	Involvement of the collective parties is important, even if minimal and limited to a reference to the new law.	Art. 8 1. Without prejudice to the obligation established by article 2105 of the civil code, the employer cannot prohibit the worker from carrying out other work activities at a time outside the agreed work schedule, nor for this reason can the employer show him/her less favourable treatment. 2. The employer may prohibit the worker from entering into another, different employment relationship, or restrict the latter, if one of the following conditions exists: a) a negative impact on health and safety, including compliance with the legislation regarding the duration of rest periods; b) the need to guarantee the integrity of the public service; c) the different and additional work creates a conflict of interest with the main work, while not violating article 2105 of the civil code.
Stable form of employment	This is a mere right to request more stable employment, subject to the actual availability of the company, not a right. It is of little use. It would have been better to introduce a right to information for the worker in the event of failure to extend or renew their contract, as well as a right for the temporary worker to voluntarily withdraw from the employment relationship, giving appropriate notice.	Art. 10 the worker who has completed at least six months work with the same employer or client and who has completed any probationary period, may request a form of work with more predictable, safe and stable conditions, if available. Within one month of the worker's request, the employer or the client will provide a reasoned written response.
Mandatory training	-	Art. 11 When the employer is required, according to provisions in the law or in an individual or collective contract, to provide workers with training to carry out the work for which they are employed, such training, to be guaranteed free of charge to all workers, must be considered as working time and, where possible, must take place during working hours.

Source: authors' elaboration based on CISL Rapporto di lavoro: dlgs n. 104/2022 di recepimento della Direttiva "Trasparenza"; DECRETO LEGISLATIVO 27 giugno 2022, n. 104.

Note: *There were no counterproposals from the opposition parties. The employers' organisations did not issue a formal position.

Table 11. Parties and social partners' positions on key provisions (TPWCD) – Poland*

Provisions	Trade Unions	Employers' Organisations	Adopted
Probationary period	Doubts are raised by the provisions contained in art. 1 item 2 letter b of the draft, according to which the length of the employment contract for a trial period will depend on the intention to conclude a fixed-term employment contract and its duration. The submitted proposal may in practice cause serious interpretation problems, also because the parties do not have to have a unanimous intention to conclude another fixed-term employment contract. Furthermore, the **provision does not contain sanctions or a verification mechanism**, nor does it refer to the list of the employer's information obligations contained in the amendments to art. 29 of the Labour Code. Therefore, an appropriate modification should be made, to render the provision clear and understandable to the parties to the employment relationship.	Draft Art. 25 §22 **goes beyond the directive** and introduces a rigid time frame, while the directive uses general clauses. Art. 25 § 22 should be amended as follows: "§ 22 An employment contract for a trial period shall be concluded for a period proportionate to the nature of the work and the expected duration of the fixed-term contract". Konfederacja Lewiatan: Extend the trial period to 6 months, and 9 months for specific categories of employees. This has been the position of employers' organisations for many years, and is intended to reflect the current situation on the labour market, when verification of the employee's skills and approach requires a longer period.	An employment contract for a trial period shall be concluded for a period not exceeding: 1) 1 month – in the event of the intention to conclude an employment contract for a fixed term of less than 6 months; 2) 2 months – in the event of the intention to conclude an employment contract for a fixed term of at least 6 months and less than 12 months. The parties may extend the periods referred to in the employment contract for a trial period once, but by no more than 1 month, if this is justified by the type of work."
Parallel employment	-	The provision shall not apply in the case specified in art. 101 1 § 1. §2. In justified cases, when entrusting the employee with work related to the **safety of persons and property and the provision of medical services**, the employer may stipulate in the contract a prohibition on being in an employment relationship with other employers, if the total working time with this and other employers exceeds the full working time provided for the employee."	Art. 26. § 1. An employer may not prohibit an employee from simultaneously remaining in an employment relationship with another employer or simultaneously remaining in a legal relationship that is the basis for the provision of work other than an employment relationship. § 2. The provision of § 1 shall not apply: 1) in the case specified in Art. 101 § 1; 2) if separate provisions provide otherwise.
Stable form of employment	-	In Poland, no employment contract or part-time work	"Art. 29 § 1. An employee employed for at least 6 months may, once per

Provisions	Trade Unions	Employers' Organisations	Adopted
		can be perceived as work if it does not provide predictable and safe employment conditions. Polish labour law does not allow for "zero hours contracts", unpredictable working time schedules, on-call work, etc., therefore, it is impossible to speak of a more predictable and safer form of employment in our labour law. **We propose deleting this provision as it is inappropriate for our conditions.**	year, submit to the employer an application, in paper or electronic form, to change the type of employment contract to an employment contract for an indefinite period or to provide more predictable and safe working conditions, including those involving a change in the type of work or full-time employment. This does not apply to an employee employed under a trial period employment contract. The period of employment of an employee with a given employer includes the period of employment with the previous employer, if the change of employer took place under the principles specified in art. 231 as well as in other cases, when under separate provisions the new employer is the legal successor to the employment relations established by the employer who previously employed the employee. § 2. The employer should, as far as possible, grant the employee's application referred to in § 1. § 3. The employer shall provide the employee with a response to the application referred to in § 1, in paper or electronic form, taking into account the needs of the employer and the employee, no later than 1 month from the date of receipt of the application; in the event of the application not being granted, the employer shall inform the employee of the reason for the refusal.
Mandatory training	The training should be conducted during the employee's working hours.	The proposed regulation tightens the framework for training policy and increases the cost of business activity. It is proposed to delete Article 94.	Art. 94. It is the employer's obligation to conduct employee training necessary to perform a specific type of work [...] such training shall take place at the employer's expense and, to the extent possible, during the employee's working hours. The training undertaken outside the employee's normal working hours shall be included in the employee's working time.

Source: authors' elaboration based on Decyzja Prezydium KK nr 32/22 ws. opinii o rządowym projekcie ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118); Ogólnopolskie Porozumienie Związków Zawodowych do projektu ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118), Warszawa, dnia 21 marca 2022 roku Związek Przedsiębiorców i Pracodawców – Uwagi do *projektu ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118)*; Konfederacja Lewiatan – Uwagi do projektu ustawy o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw (UC118); Dz. U. 2023 poz. 641 USTAWA z dnia 9 marca 2023 r. o zmianie ustawy – Kodeks pracy oraz niektórych innych ustaw

Note: *Opposition parties did not suggest substantial amendments to the provisions of the TPWCD.

Table 12. Parties and social partners' positions on key provisions (AMWD) – Ireland*

Provisions	Trade Unions	Employers' organisations	Adopted
Adequate minimum wages	It is necessary to look at issues such as the procedures for setting an adequate National Minimum Wage (NMW); the involvement of social partners in setting NMW; variations (e.g. reduced rates for younger workers) and deductions; workers currently excluded (e.g. apprentices); enforcement, infringements and penalties.	Ireland's current minimum wage setting framework is already largely in compliance with the provisions of the Directive. The LPC framework is in line with the Directive in providing clear and stable criteria for minimum wage setting. The criteria used by the LPC are set by law and although not using the exact language of the Directive, consider the factors referenced. The Directive enables, but does not compel, Member States to use indicative values such as 60% of the gross median wage and/or 50% of the gross average wage. The Commission Report confirms that there is no obligation to reach indicative reference values, but that Member States should undertake efforts to do so. Ibec notes the Government decision in November 2022 that the minimum wage is to move to a living wage to be set at 60% of hourly median wages by January 2026. Since this decision, the LPC has considered indicators and reference values in making its recommendations. Ibec, therefore, submits that even this provision within the Directive, albeit not provided for in the 2000 Act is, in fact, a relevant feature of the LPC's assessment of the adequacy of the statutory minimum wage.	Government's decision: no further legislative action is required.
Collective bargaining	Calls for legislation that: Promotes collective bargaining, particularly at sector level; Provides a road map for unions to seek to engage in CB with an employer where it is not the traditional practice of the employer to engage; Provides relevant penalties; Protects union representatives from dismissal or unfavourable treatment at work due to their role; Provides that an employer will not penalise a worker on the grounds of trade union membership or activity.	No legislative changes are required to transpose Article 4(1) due to the comprehensive suite of industrial relations legislation which already exists in Irish law. Non-legislative action could be taken to further build and promote the strengthening of the capacity of the social partners to engage in collective bargaining. It is crucial to note that Article 4 does not set a target for collective bargaining coverage in Ireland. While it is clear that Ireland will be obliged to provide for a framework and establish an action plan to promote collective bargaining, legislative change is not required for this aspect of the Directive to be transposed into Irish law. It would be more appropriate, and likely more effective, for such a framework and action plan to be established by way of agreement with the social partners or between the social partners themselves. While the action plan itself may result in legislative changes to our industrial relations legislation, in our view, neither the framework nor the action place in of themselves need to have their basis in legislation.	Ongoing discussions

Source: authors' elaboration based on Irish Congress of Trade Unions Opening Statement to Oireachtas Joint Committee on Enterprise, Trade and Employment on the regulatory and legislative changes required for the transposition of the Adequate Minimum Wages Directive, 24 January 2024; IBEC Opening Statement to Joint Oireachtas Committee on Enterprise Trade and Employment regarding the regulatory and legislative changes required for transposition of the Adequate Minimum Wages Directive, 24 January 2024

*Opposition parties have not suggested counterproposals. The Irish government decided that no further legislative action was needed regarding minimum wages. As for collective bargaining, discussions are ongoing.

Table 13. Parties and social partners' positions on key provisions (AMWD) – Italy

Provisions	Trade Unions	Employers' organisations	Opposition parties	Adopted
Adequate minimum wages	CGIL and UIL supported the introduction of a statutory minimum wage. CISL against.	Against the introduction of a statutory minimum wage. Confindustria: the Constitution obliges us to grant workers a fair wage and this function is entrusted to collective bargaining. A statutory minimum wage will not solve the problem of in-work-poverty. The flexibility and adaptability ensured by CB autonomy, despite its limitations, is certainly more suitable and useful for interpreting the differences between economic sectors and between distinct tasks, compared to the "rigidity" of a minimum wage established by law.	The opposition parties (by M5s, Sinistra Italiana, Azione, Pd, Europa Verde and +Europa) proposed a statutory minimum wage of at least 9 euros per hour.	Government's decision: no further legislative action is required.
Collective bargaining	Supported strengthening of collective bargaining. Called for a clear and accelerated transposition process, with the full involvement of social partners	It is necessary to effectively limit the widespread phenomenon of the so-called "pirate contracts" that hinder the determination of the minimum wage through collective bargaining.	Supported strengthening of collective bargaining	Government's decision: no further legislative action is required.

Source: authors' elaboration based on Confindustria Audizione nell'ambito dell'esame delle proposte di legge in materia di giusta retribuzione e salario minimo (A.C. 141, A.C. 210, A.C. 216, A.C. 306, A.C. 432, A.C. 1053), Audizione Parlamentare, 20 aprile 2023; Conte et al Disposizioni per l'istituzione del salario minimo A.C. 1275 e abb. Dossier n° 75/1 - Elementi per l'esame in Assemblea 26 luglio 2023.

Table 14. Parties and social partners' positions on key provisions (AMWD) – Poland*

Provisions	Trade Unions	Employers' organisations		Adopted
		Lewiatan	FPP	
Adequate minimum wages	An important initiative to facilitate CB. However, it does not meet the EU requirements. Criticise delays in implementation. Urge immediate reforms, including setting the minimum wage as a basic wage. Critically assess the role of the Social Dialogue Council (RDS) as an advisory body, as this contradicts its role in minimum wage negotiation. It should be emphasised that the RDS is a forum for tripartite cooperation between the employees, employers and the government, and negotiations on the minimum wage take place within the RDS. Against the establishment of unconstitutional differentiation of minimum wage rates.	The design of RDS as an advisory body in matters of minimum wage regulation creates a risk of mixing and overlapping competences related to setting and negotiating the annual minimum wage. Article 9 of the Draft proposes an indicative reference value of the minimum wage as 55% of the average wage, which does not correspond to the content of the directive and constitutes a unilateral departure from the established indicator of 50% of the average wage. Unhappy with setting the minimum wage as a basic wage, because the basic wage does not consider additional components to remuneration and other benefits related to work. This change will have fundamental organisational and financial consequences for entrepreneurs.	-	The bill has not yet been adopted.
Collective bargaining	The draft lacks solutions that would promote CB at the industry level. Call for an action plan to reach the 80% threshold. Supports mechanisms for extending CB, particularly in weakly unionised sectors. Proposes amendments to strengthen CB; sectoral agreements; removal of institutional and legal barriers to social dialogue; trade union influence.	Acknowledges that the decline in CB is due to economic constraints, employer scepticism and overregulation, but focuses on dialogue. Need for Incentives for employers: public funding, training, tax benefits. Supports broader recognition of agreements, including non-union workplaces. Proposes framework agreements at different levels to facilitate social dialogue.	Critical of the additional obligations imposed on employers. Strongly opposes mandatory negotiations. Need for incentives for employers: relief from public obligations, public programme preferences. Focuses on making existing agreements more flexible, to reduce employer obligations, rather than expanding them. Proposes fixed-duration agreements; allowing partial termination; strengthening confidentiality protection.	The bill has not yet been adopted.

Source: authors' elaboration based on Projekt ustawy UC62 o minimalnym wynagrodzeniu za pracę; Raport z konsultacji publicznych oraz opiniowania projektu ustawy o minimalnym wynagrodzeniu za pracę (UC62); Projekt ustawy UC34 o układach zbiorowych pracy i porozumieniach zbiorowych, Ministerstwo Rodziny, Pracy i Polityki Społecznej, 20.06.2024; Decyzja Prezydium KK nr 103/24 ws. opinii o projekcie ustawy o układach zbiorowych pracy i porozumieniach zbiorowych z dnia 20 czerwca 2024 r; Stanowisko Rady Ogólnopolskiego Porozumienia Związków

Zawodowych z dnia 11 grudnia 2024 roku w sprawie braku terminowej implementacji dyrektywy Parlamentu Europejskiego i Rady w sprawie adekwatnych wynagrodzeń minimalnych w Unii Europejskiej do polskiego porządku prawnego; Stanowisko Konfederacji Lewiatan do projektu ustawy o układach zbiorowych pracy; Stanowisko FPP do projektu ustawy o układach zbiorowych pracy i porozumieniach zbiorowych

*The bill has not yet been discussed in the parliament. No counterproposals have been issued by the opposition parties.